

Also, petition of Elizabeth Jennings, C. Isabelle Lee, and Julia E. Welock, of East Providence, R. I., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. LONERGAN: Resolution of Mrs. Adeline Hall Williams, chairman executive committee of the Cosmopolitan Club, councilor of the national committee on prisons and prison labor, in re bill to regulate interstate commerce in convict-made goods; to the Committee on Interstate and Foreign Commerce.

By Mr. McCLELLAN: Petition of James J. O'Reilly and Thomas Carroll, of Kingston, and Jacob Stotz, of Hunter, N. Y., favoring passage of House joint resolution 377, to prohibit exportation of war material; to the Committee on Foreign Affairs.

Also, telegrams from E. P. Babcock, Mrs. E. P. Babcock, S. B. Hamilton, Mrs. S. B. Hamilton, E. B. Whiting, Mrs. F. E. Boyle, A. B. Hopkins, E. Hopkins, C. H. Whiting, all of Canaan, N. Y.; J. H. Cox, N. Brooks, M. D., Mrs. S. J. Tilden, Louise Highland, Stanley H. Watson, Lena R. Smith, Sydney R. Smith, all of New Lebanon, N. Y., urging passage of suffrage amendment; to the Committee on the Judiciary.

Also, telegrams from Mrs. John W. Gillette, Mrs. Robert Evans, and Alice Seymour, all of Hudson, N. Y., urging vote against suffrage amendment; to the Committee on the Judiciary.

By Mr. MAHAN: Resolutions adopted by the Cosmopolitan Club, of South Manchester, Conn., favoring the passage of the bill to regulate interstate commerce in convict-made goods; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Norwich, Conn., favoring the passage of House joint resolution 377, relative to war material; to the Committee on Foreign Affairs.

By Mr. MANN: Petition of the Electrical Supply Jobbers' Association, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Calumet Singing Society, of Chicago, Ill., favoring legislation to enable the President to lay an embargo upon all contraband of war, excepting foodstuffs alone, etc.; to the Committee on Foreign Affairs.

Also, petition of Friends of our Native Landscape, favoring creation of Rocky Mountain National Park, Colo.; to the Committee on the Public Lands.

By Mr. MOORE: Petitions of 2,518 citizens of the city of Philadelphia, Pa., protesting against the exportation from the United States of articles of warfare and urging legislative action preventing its continuance; to the Committee on Foreign Affairs.

By Mr. NEELEY of Kansas: Petitions of citizens of Barton and Reno Counties, Kans., favoring House joint resolution 377, to forbid export of arms; to the Committee on Foreign Affairs.

By Mr. J. I. NOLAN: Resolutions of 28 fraternal and other organizations in the city of San Francisco, Cal., comprising a total membership of 34,426 citizens, favoring the passage of House bill 5139, providing for the retirement of superannuated civil-service employees; to the Committee on Reform in the Civil Service.

Also, petitions from sundry citizens of the city of San Francisco, favoring the passage of House joint resolution 377, to prohibit the exportation of munitions of war; to the Committee on Foreign Affairs.

By Mr. NORTON: Petition from B. Greenberg, E. L. Duell, H. Wilensky, D. V. Brennan, M. H. Brennan, V. Gram, and Edw. Richardson, all of Devils Lake, N. Dak.; Ch. Freedman, of Starkweather, and John Henley and others, of Devils Lake, N. Dak., in opposition to the illiteracy clause in the Burnett immigration bill (H. R. 6060); to the Committee on Immigration and Naturalization.

By Mr. PARKER of New York: Papers to accompany House bill 15182, for increase of pension to E. T. Connelly; to the Committee on Invalid Pensions.

Also, petition of Fred McNaughton, W. N. Ells, A. E. Mason, and other citizens of New York, favoring Senate bill 3672, to make certain improvements in Harlem River; to the Committee on Rivers and Harbors.

By Mr. PLATT: Papers to accompany bill granting a pension to Charles Hall; to the Committee on Invalid Pensions.

By Mr. RAINEY: Petition of German Roman Catholic Union of Illinois, against sale of munitions of war to nations engaged in war; to the Committee on Foreign Affairs.

Also, petition of St. Joseph Benevolent Society, of Brussels, Ill., favoring religious freedom in Mexico; to the Committee on Foreign Affairs.

Also, petition of Garage Owners' Association of Illinois, favoring the Stevens bills (H. R. 13305); to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Petitions of citizens of the State of California, favoring the passage of the Hamill bill (H. R. 539); to the Committee on Reform in the Civil Service.

By Mr. ROUSE: Petition of 279 citizens of the State of Kentucky, favoring the adoption of House resolution 377; to the Committee on Foreign Affairs.

By Mr. SABATH: Petition of Union League of Italian-Americans of the United States, against literacy test in immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of 126 members of Ambrosius Maennerchor, of Chicago, Ill., favoring strict neutrality by the United States; to the Committee on Foreign Affairs.

By Mr. SCULLY: Memorial of the New Jersey State League of Building and Loan Associations, urging amendment to the war-revenue law exempting building loans; to the Committee on Ways and Means.

Also, petition of Mr. Lloyd, of Matawan, N. J., relative to armaments of war; to the Committee on Foreign Affairs.

By Mr. J. M. C. SMITH: Papers to accompany H. R. 2854, granting pension to Sarah E. Wilson; to the Committee on Invalid Pensions.

Also, petition of David Vogt and two citizens, of Coldwater, Mich., favoring House joint resolution 377; to the Committee on Foreign Affairs.

By Mr. SUTHERLAND: Papers to accompany bill granting pension to Andrew Gladwell; to the Committee on Invalid Pensions.

By Mr. TALCOTT of New York: Petition of Paris Hill Church and Sunday School, for a federation of nations; to the Committee on Foreign Affairs.

Also, petition of citizens of thirty-third congressional district of New York, favoring passage of Senate bill 3672, for improvement of Harlem River; to the Committee on Rivers and Harbors.

By Mr. VOLLMER: Petition of 750 American citizens, for the adoption of House joint resolution 377, prohibiting the export of arms, ammunition, and munitions of war; to the Committee on Foreign Affairs.

By Mr. WHALEY: Petition of citizens of Charleston and Orangeburg, S. C., protesting against violation of spirit of neutrality by the United States; to the Committee on Foreign Affairs.

By Mr. WINSLOW: Petition of citizens of Worcester, Mass., relative to woman suffrage; to the Committee on the Judiciary.

By Mr. WOODRUFF: Petition of citizens of the tenth congressional district of Michigan, favoring passage of House joint resolution 377, relative to munitions of war; to the Committee on Foreign Affairs.

## SENATE.

WEDNESDAY, January 13, 1915.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee with fullest and freest self-expression, because Thou art love. We would not cloak nor hide our sins from Thee. We would not deceive ourselves concerning our own weakness. Before Thee we would come laying bare our hearts, lifting them up to the source of light and truth and power, asking Thee to breathe upon us and give us the influence of Thy spirit. All about us error and truth contend together, darkness and light struggle for supremacy; but Thou art the source of truth; Thou art the fountain of life. To Thee we come and pray that our path may be illumined by Thy presence, that we may discern the right from the wrong, and lay ourselves upon Thine altar, that Thou mayest use us for the glory of Thy name and the advancement of all the interests of this great Nation this day. We ask it for Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

### PETITIONS AND MEMORIALS.

Mr. TOWNSEND presented petitions of sundry citizens of Michigan, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

Mr. BURLEIGH presented a petition of sundry citizens of Washburn, Me., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a petition of Governor Weare Council, No. 15, Order United American Mechanics, of Seabrook, N. H., praying for the passage of the pending immigration bill, which was ordered to lie on the table.



Mr. BRISTOW presented petitions of sundry citizens of Ellinwood, Palmer, and Gaylord, all in the State of Kansas, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

Mr. McLEAN presented petitions of sundry citizens of Hartford and Danbury, Conn., praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

He also presented petitions of the Cosmopolitan Club, of South Manchester, and the Central Labor Union of Thompsonville, in the State of Connecticut, praying for the enactment of legislation to regulate commerce in convict-made goods, which were ordered to lie on the table.

He also presented memorials of local branches, Association Opposed to Woman Suffrage, of New Haven, Old Lyme, and Bridgeport, all in the State of Connecticut, remonstrating against the adoption of an amendment to the Constitution to grant the right of suffrage to women, which were ordered to lie on the table.

#### REPORTS OF COMMITTEES.

Mr. JAMES, from the Committee on Claims, to which was referred the bill (H. R. 4001) for the relief of Daniel J. Ryan, reported it without amendment and submitted a report (No. 903) thereon.

Mr. SMITH of Georgia, from the Committee on the Judiciary, to which was referred the bill (H. R. 17869) providing for the appointment of an additional district judge for the southern district of the State of Georgia, reported it with amendments and submitted a report (No. 908) thereon.

Mr. CRAWFORD, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 57. An act making an appropriation to M. C. Burke for tax liens held by him on property acquired by the United States (Rept. No. 906); and

H. R. 14167. An act for the relief of Emily J. Byrd (Rept. No. 905).

Mr. OWEN, from the Committee on Indian Affairs, to which was referred the bill (H. R. 12780) to provide for the payment of the claim of J. O. Modisette for services performed for the Chickasaw Indians of Oklahoma, reported it without amendment and submitted a report (No. 907) thereon.

Mr. FLETCHER, from the Committee on Printing, to which was referred the bill (H. R. 15902) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications, reported it with amendments and submitted a report (No. 904) thereon.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH:

A bill (S. 7263) granting additional rights to settlers on reclamation projects; to the Committee on Public Lands.

By Mr. CHAMBERLAIN:

A bill (S. 7264) changing the designation, fixing the status of and granting an increase in pay to certain clerks employed with the Army at headquarters of departments, divisions, brigades, districts, Army service schools, and posts commanded by general officers, and heretofore known as "headquarters clerks"; to the Committee on Military Affairs.

By Mr. GALLINGER:

A bill (S. 7265) granting an increase of pension to Daniel H. Pettengill (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 7266) to authorize the Brunot Island Bridge Co. to construct, maintain, and operate a bridge across the back channel of the Ohio River; to the Committee on Commerce.

By Mr. DU PONT:

A bill (S. 7267) to place the name of James P. Barney on the lineal list of first lieutenants of Cavalry of the Army; to the Committee on Military Affairs.

By Mr. NELSON:

A bill (S. 7268) for the relief of the heirs of the late Frank Henry Rogers to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 7269) granting an increase of pension to Richard Hudson (with accompanying papers); to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 7270) granting a pension to Otis I. Trundy; to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 7271) granting a pension to Mary Marvin (with accompanying papers); to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 7272) for the relief of the legal representatives of Gustavus Colhoun, late of Adams County, Miss. (with accompanying papers); to the Committee on Claims.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES submitted an amendment proposing to appropriate \$400,000 for the construction of a dam across the Yakima River for the diversion and utilization of water provided for 40 acres of each Indian allotment on the Yakima Reservation, Wash., etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20150), which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to ratify and confirm as fee-simple patents without restrictions against alienation as of other dates the issuance to patents heretofore issued to certain persons holding lands in the Willamette Meridian, State of Washington, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20150), which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. TILLMAN submitted an amendment proposing to appropriate \$500 for compiling the Navy Yearbook for the calendar year 1914, intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 19909), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. MYERS submitted an amendment proposing to appropriate \$100,000 for continuing the construction of irrigation systems to irrigate the lands of the Indians of the Blackfoot Indian Reservation in Montana, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20150), which was referred to the Committee on Indian Affairs and ordered to be printed.

#### EMPLOYMENT OF ADDITIONAL CLERK.

Mr. BANKHEAD submitted the following resolution (S. Res. 519), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Committee on Post Offices and Post Roads is hereby authorized to employ an additional clerk for a period of one month at a salary of \$75 per month, to be paid out of the contingent fund of the Senate.

#### SEIZURE OF NEUTRAL VESSELS.

Mr. STONE. Mr. President, I have some matter that I would like to have consent to have inserted in the RECORD for the sake of convenience of reference.

The first is the note of the Secretary of State of December 26 last addressed to the American ambassador at London, to be presented to the British Minister for Foreign Affairs, with respect to the arrest of neutral vessels and interference with American cargoes destined to neutral ports, and also the preliminary reply by the British Minister for Foreign Affairs, of date January 7, 1915. In this connection I ask leave to insert two proclamations made by the British Government revising the list of articles to be treated as contraband of war, the first of these being of date October 29, last, with some action taken thereon by council in order at Buckingham Palace, and also the second proclamation of December 23 last. I ask that these several papers may be inserted in their order.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

[Telegram.]

SECRETARY OF STATE TO THE AMERICAN AMBASSADOR AT LONDON.

DEPARTMENT OF STATE,

Washington, December 26, 1914.

The present condition of American foreign trade resulting from the frequent seizures and detentions of American cargoes destined to neutral European ports has become so serious as to require a candid statement of the views of this Government in order that the British Government may be fully informed as to the attitude of the United States toward the policy which has been pursued by the British authorities during the present war.

You will, therefore, communicate the following to His Majesty's principal secretary of state for foreign affairs, but in doing so you will assure him that it is done in the most friendly spirit and in the belief that frankness will better serve the continuance of cordial relations between the two countries than silence, which may be misconstrued into acquiescence in a course of conduct which this Government can not but consider to be an infringement upon the rights of American citizens.

The Government of the United States has viewed with growing concern the large number of vessels laden with American goods destined to neutral ports in Europe, which have been seized on the high seas, taken into British ports and detained sometimes for weeks by the British authorities. During the early days of the war this Government assumed that the policy adopted by the British Government was due to the unexpected outbreak of hostilities and the necessity of immediate action to prevent contraband from reaching the enemy. For this reason it was not disposed to judge this policy harshly or protest it vigorously, although it was manifestly very injurious to American trade with the



neutral countries of Europe. This Government, relying confidently upon the high regard which Great Britain has so often exhibited in the past for the rights of other nations, confidently awaited amendment of a course of action which denied to neutral commerce the freedom to which it was entitled by the law of nations.

This expectation seemed to be rendered the more assured by the statement of the foreign office early in November that the British Government were satisfied with guarantees offered by the Norwegian, Swedish, and Danish Governments as to nonexportation of contraband goods when consigned to named persons in the territories of those Governments, and that orders had been given to the British fleet and customs authorities to restrict interference with neutral vessels carrying such cargoes so consigned to verification of ship's papers and cargoes.

It is, therefore, a matter of deep regret that, though nearly five months have passed since the war began, the British Government have not materially changed their policy and do not treat less rigorously ships and cargoes passing between neutral ports in the peaceful pursuit of lawful commerce, which belligerents should protect rather than interrupt. The greater freedom from detention and seizure which was confidently expected to result from consigning shipments to definite consignees, rather than "to order," is still awaited.

It is needless to point out to His Majesty's Government, usually the champion of the freedom of the seas and the rights of trade, that peace, not war, is the normal relation between nations and that the commerce between countries which are not belligerents should not be interfered with by those at war unless such interference is manifestly an imperative necessity to protect their national safety, and then only to the extent that it is a necessity. It is with no lack of appreciation of the momentous nature of the present struggle in which Great Britain is engaged, and with no selfish desire to gain undue commercial advantage, that this Government is reluctantly forced to the conclusion that the present policy of His Majesty's Government toward neutral ships and cargoes exceeds the manifest necessity of a belligerent and constitutes restrictions upon the rights of American citizens on the high seas which are not justified by the rules of international law or required under the principle of self-preservation.

The Government of the United States does not intend at this time to discuss the propriety of including certain articles in the lists of absolute and conditional contraband which have been proclaimed by His Majesty. Open to objection as some of these seem to this Government, the chief ground of present complaint is the treatment of cargoes of both classes of articles when bound to neutral ports.

Articles listed as absolute contraband shipped from the United States and consigned to neutral countries have been seized and detained on the ground that the countries to which they were destined have not prohibited the exportation of such articles. Unwarranted as such detentions are, in the opinion of this Government, American exporters are further perplexed by the apparent indecision of the British authorities in applying their own rules to neutral cargoes. For example, a shipment of copper from this country to a specified consignee in Sweden was detained because, as was stated by Great Britain, Sweden had placed no embargo on copper. On the other hand, Italy not only prohibited the export of copper, but, as this Government is informed, put in force a decree that shipments to Italian consignees or "to order" which arrive in ports of Italy can not be exported or transhipped. The only exception Italy makes is of copper which passes through that country in transit to another country. In spite of these decrees, however, the British foreign office has thus far declined to affirm that copper shipments consigned to Italy will not be molested on the high seas. Seizures are so numerous and delays so prolonged that exporters are afraid to send their copper to Italy, steamship lines decline to accept it, and insurers refuse to issue policies upon it. In a word, a legitimate trade is being greatly impaired through uncertainty as to the treatment which it may expect at the hands of the British authorities.

We feel that we are abundantly justified in asking for information as to the manner in which the British Government propose to carry out the policy which they have adopted, in order that we may determine the steps necessary to protect our citizens engaged in foreign trade in their rights and from the serious losses to which they are liable through ignorance of the hazards to which their cargoes are exposed.

In the case of conditional contraband the policy of Great Britain appears to this Government to be equally unjustified by the established rules of international conduct. As evidence of this, attention is directed to the fact that a number of the American cargoes which have been seized consist of foodstuffs and other articles of common use in all countries which are admittedly relative contraband. In spite of the presumption of innocent use because destined to neutral territory, the British authorities made these seizures and detentions without, so far as we are informed, being in possession of facts which warranted a reasonable belief that the shipments had in reality a belligerent destination, as that term is used in international law. Mere suspicion is not evidence, and doubts should be resolved in favor of neutral commerce, not against it. The effect upon trade in these articles between neutral nations resulting from interrupted voyages and detained cargoes is not entirely cured by reimbursement of the owners for the damages which they have suffered after investigation has failed to establish an enemy destination. The injury is to American commerce with neutral countries as a whole through the hazard of the enterprise and the repeated diversion of goods from established markets.

It also appears that cargoes of this character have been seized by the British authorities because of a belief that, though not originally so intended by the shippers, they will ultimately reach the territory of the enemies of Great Britain. Yet this belief is frequently reduced to a mere fear in view of the embargoes which have been decreed by the neutral countries, to which they are destined, on the articles composing the cargoes.

That a consignment "to order" of articles listed as conditional contraband and shipped to a neutral port raises a legal presumption of enemy destination appears to be directly contrary to the doctrines previously held by Great Britain and thus stated by Lord Salisbury during the South African war:

"Foodstuffs, though having a hostile destination, can be considered as contraband of war only if they are for the enemy forces; it is not sufficient that they are capable of being so used; it must be shown that this was in fact their destination at the time of their seizure."

With this statement as to conditional contraband the views of this Government are in entire accord, and upon this historic doctrine, consistently maintained by Great Britain when a belligerent as well as a neutral, American shippers were entitled to rely.

The Government of the United States readily admits the full right of a belligerent to visit and search on the high seas the vessels of American citizens or other neutral vessels carrying American goods and to detain them when there is sufficient evidence to justify a belief that

contraband articles are in their cargoes; but His Majesty's Government, judging by their own experience in the past, must realize that this Government can not without protest permit American ships or American cargoes to be taken into British ports and there detained for the purpose of searching generally for evidence of contraband, or upon presumptions created by special municipal enactments which are clearly at variance with international law and practice.

This Government believes and earnestly hopes His Majesty's Government will come to the same belief, that a course of conduct more in conformity with the rules of international usage, which Great Britain has strongly sanctioned for many years, will in the end better serve the interests of belligerents as well as those of neutrals.

Not only is the situation a critical one to the commercial interests of the United States, but many of the great industries of this country are suffering because their products are denied long-established markets in European countries, which, though neutral, are contiguous to the nations at war. Producers and exporters, steamship and insurance companies are pressing, and not without reason, for relief from the menace to trans-Atlantic trade, which is gradually but surely destroying their business and threatening them with financial disaster.

The Government of the United States, still relying upon the deep sense of justice of the British nation, which has been so often manifested in the intercourse between the two countries during so many years of uninterrupted friendship, expresses confidently the hope that His Majesty's Government will realize the obstacles and difficulties which their present policy has placed in the way of commerce between the United States and the neutral countries of Europe and will instruct its officials to refrain from all unnecessary interference with the freedom of trade between nations which are sufferers, though not participants, in the present conflict, and will in their treatment of neutral ships and cargoes conform more closely to those rules governing the maritime relations between belligerents and neutrals, which have received the sanction of the civilized world, and which Great Britain has in other wars so strongly and successfully advocated.

In conclusion it should be impressed upon His Majesty's Government that the present condition of American trade with the neutral European countries is such that, if it does not improve, it may arouse a feeling contrary to that which has so long existed between the American and British peoples. Already it is becoming more and more the subject of public criticism and complaint. There is an increasing belief, doubtless not entirely unjustified, that the present British policy toward American trade is responsible for the depression in certain industries which depend upon European markets. The attention of the British Government is called to this possible result of their present policy to show how widespread the effect is upon the industrial life of the United States and to emphasize the importance of removing the cause of complaint.

THE BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS TO THE AMERICAN AMBASSADOR.

FOREIGN OFFICE, January 7, 1915.

YOUR EXCELLENCY: I have the honor to acknowledge receipt of your note of the 28th of December.

It is being carefully examined, and the points raised in it are receiving consideration, as the result of which a reply shall be addressed to your excellency dealing in detail with the issues raised and the points to which the United States Government have drawn attention. This consideration and the preparation of the reply will necessarily require some time, and I therefore desire to send, without further delay, some preliminary observations which will, I trust, help to clear the ground and remove some misconceptions that seem to exist.

Let me say at once that we entirely recognize the most friendly spirit referred to by your excellency, and that we desire to reply in the same spirit and in the belief that, as our excellency states, frankness will best serve the continuance of cordial relations between the two countries.

His Majesty's Government cordially concur in the principle enunciated by the Government of the United States that a belligerent, in dealing with trade between neutrals, should not interfere unless such interference is necessary to protect the belligerent's national safety, and then only to the extent to which this is necessary. We shall endeavor to keep our action within the limits of this principle on the understanding that it admits our right to interfere, when such interference is not with bona fide trade between the United States and another neutral country but with trade in contraband destined for the enemy's country, and we are ready, whenever our action may unintentionally exceed this principle, to make redress.

We think that much misconception exists as to the extent to which we have in practice interfered with trade. Your excellency's note seems to hold His Majesty's Government responsible for the present condition of trade with neutral countries, and it is stated that, through the action of His Majesty's Government, the products of the great industries of the United States have been denied long-established markets in European countries which, though neutral, are contiguous to the seat of war. Such a result is far from being the intention of His Majesty's Government, and they would exceedingly regret that it should be due to their action. I have been unable to obtain complete or conclusive figures showing what the state of trade with these neutral countries has been recently, and I can therefore only ask that some further consideration should be given to the question whether United States trade with these neutral countries has been so seriously affected. The only figures as to the total volume of trade that I have seen are those for the exports from New York for the month of November, 1914, and they are as follows, compared with the month of November, 1913:

Exports from New York for November, 1913, and November, 1914, respectively.

Denmark	\$558,000	\$7,101,000
Sweden	377,000	2,858,000
Norway	477,000	2,318,000
Italy	2,971,000	4,781,000
Holland	4,389,000	3,960,000

It is true that there may have been a falling off in cotton exports, as to which New York figures would be no guide, but His Majesty's Government have been most careful not to interfere with cotton, and its place on the free list has been scrupulously maintained.

We do not wish to lay too much stress upon incomplete statistics; the figures above are not put forward as conclusive; and we are prepared to examine any further evidence with regard to the state of trade with these neutral countries which may point to a different conclusion or show that it is the action of His Majesty's Government in particular, and not the existence of a state of war and consequent



diminution of purchasing power and shrinkage of trade, which is responsible for adverse effects upon trade with the neutral countries.

That the existence of a state of war on such a scale has had a very adverse effect upon certain great industries, such as cotton, is obvious; but it is submitted that this is due to the general cause of diminished purchasing power of such countries as France, Germany, and the United Kingdom, rather than to interference with trade with neutral countries. In the matter of cotton, it may be recalled that the British Government gave special assistance through the Liverpool Cotton Exchange to the renewal of transactions in the cotton trade of not only the United Kingdom but of many neutral countries.

Your excellency's note refers in particular to the detention of copper. The figures taken from official returns for the export of copper from the United States for Italy for the months during which the war has been in progress up to the end of the first three weeks of December are as follows:

Nineteen thirteen: Fifteen million two hundred and two thousand pounds. Nineteen fourteen: Thirty-six million two hundred and eighty-five thousand pounds. Norway, Sweden, Denmark, and Switzerland are not shown separately for the whole period in the United States returns, but are included in the heading "Other Europe"—that is, Europe other than the United Kingdom, Russia, France, Belgium, Austria, Germany, Holland, and Italy. The corresponding figures under this heading are as follows:

Nineteen thirteen: Seven million two hundred and seventy-one thousand pounds. Nineteen fourteen: Thirty-five million three hundred and forty-seven thousand pounds.

With such figures the presumption is very strong that the bulk of copper consigned to these countries has recently been intended not for their own use, but for that of a belligerent who can not import it direct. It is therefore an imperative necessity for the safety of this country while it is at war that His Majesty's Government should do all in their power to stop such part of the import of copper as is not genuinely destined for neutral countries.

Your excellency does not quote any particular shipment of copper to Sweden which has been detained. There are, however, four consignments to Sweden at the present time of copper and aluminum which, though definitely consigned to Sweden, are, according to positive evidence in the possession of His Majesty's Government, definitely destined for Germany.

I can not believe that with such figures before them and in such cases as those just mentioned the Government of the United States would question the propriety of the action of His Majesty's Government in taking suspected cargoes to a prize court, and we are convinced that it can not be in accord with the wish either of the Government or of the people of the United States to strain the international code in favor of private interests so as to prevent Great Britain from taking such legitimate means for this purpose as are in her power.

With regard to the seizure of foodstuffs to which your excellency refers, His Majesty's Government are prepared to admit that foodstuffs should not be detained and put into a prize court without presumption that they are intended for the armed forces of the enemy or the enemy Government. We believe that this rule has been adhered to in practice hitherto, but if the United States Government have instances to the contrary we are prepared to examine them, and it is our present intention to adhere to the rule, though we can not give an unlimited and unconditional undertaking in view of the departure by those against whom we are fighting from hitherto accepted rules of civilization and humanity and the uncertainty as to the extent to which such rules may be violated by them in future.

From the 4th of August last to the 3d of January the number of steamships proceeding from the United States for Holland, Denmark, Norway, Sweden, and Italy has been 773. Of these there are 45 which have had consignments or cargoes placed in the prize court, while of the ships themselves only 8 have been placed in the prize court, and 1 of these has since been released. It is, however, essential under modern conditions that where there is real ground for suspecting the presence of contraband the vessels should be brought into port for examination. In no other way can the right of search be exercised, and but for this practice it would have to be completely abandoned. Information was received by us that special instructions had been given to ship rubber from the United States under another designation to escape notice, and such cases have occurred in several instances. Only by search in a port can such cases, when suspected, be discovered and proved. The necessity for examination in a port may also be illustrated by a hypothetical instance connected with cotton which has not yet occurred. Cotton is not specifically mentioned in your excellency's note, but I have seen public statements made in the United States that the attitude of His Majesty's Government with regard to cotton has been ambiguous, and thereby responsible for depression in the cotton trade. There has never been any foundation for this allegation. His Majesty's Government have never put cotton on the list of contraband. They have throughout the war kept it on the free list, and on every occasion when questioned on the point they have stated their intention of adhering to this practice. But information has reached us that precisely because we have declared our intention of not interfering with cotton ships carrying cotton will be specially selected to carry concealed contraband, and we have been warned that copper will be concealed in bales of cotton. Whatever suspicions we have entertained we have not so far made these a ground for detaining any ship carrying cotton; but should we have information giving us real reason to believe in the case of a particular ship that the bales of cotton concealed copper or other contraband the only way to prove our case would be to examine and weigh the bales, a process that could be carried out only by bringing the vessel into a port. In such a case, or if examination justified the action of His Majesty's Government, the case shall be brought before a prize court and dealt with in the ordinary way.

That the decisions of British prize courts hitherto have not been unfavorable to neutrals is evidenced by the decision in the *Miramichi* case. This case, which was decided against the Crown, laid down that the American shipper was to be paid even when he had sold a cargo c. i. f., and when the risk of loss after the cargo had been shipped did not apply to him at all.

It has further been represented to His Majesty's Government, though this subject is not dealt with in your excellency's note, that our embargoes on the export of some articles, more especially rubber, have interfered with commercial interests in the United States. It is, of course, difficult for His Majesty's Government to permit the export of rubber from British dominions to the United States at a time when rubber is essential to belligerent countries for carrying on the war, and when a new trade in exporting rubber from the United States in suspiciously large quantities to neutral countries has actually sprung up since the war. It would be impossible to permit the export of

rubber from Great Britain unless the right of His Majesty's Government were admitted to submit to a prize court cargoes of rubber exported from the United States which they believed to be destined for an enemy country and reasonable latitude of action for this purpose were conceded. But His Majesty's Government have now provisionally come to an arrangement with the rubber exporters in Great Britain which will permit of licenses being given under proper guarantees for the export of rubber to the United States.

We are confronted with the growing danger that neutral countries contiguous to the enemy will become on a scale hitherto unprecedented a base of supplies for the armed forces of our enemies and for materials for manufacturing armament. The trade figures of imports show how strong this tendency is, but we have no complaint to make of the attitude of the Governments of those countries, which, so far as we are aware, have not departed from proper rules of neutrality. We endeavor in the interest of our own national safety to prevent this danger by intercepting goods really destined for the enemy, without interfering with those which are "bona fide" neutral.

Since the outbreak of the war the Government of the United States have changed their previous practice and have prohibited the publication of manifests till 30 days after the departure of vessels from the United States ports. We had no "locus standi" for complaining of this change, and did not complain. But the effect of it must be to increase the difficulty of ascertaining the presence of contraband, and to render necessary in the interests of our national safety the examination and detention of more ships than would have been the case if the former practice had continued.

Pending a more detailed reply, I would conclude by saying that His Majesty's Government do not desire to contest the general principles of law, on which they understand the note of the United States to be based, and desire to restrict their action solely to interferences with contraband destined for the enemy. His Majesty's Government are prepared, whenever a cargo coming from the United States is detained, to explain the case on which such detention has taken place, and would gladly enter into any arrangement by which mistakes can be avoided and reparation secured promptly when any injury to the neutral owners of a ship or cargo has been improperly caused, for they are most desirous, in the interest both of the United States and of other neutral countries, that British action should not interfere with the normal importation and use by the neutral countries of goods from the United States.

I have the honor to be, with the highest consideration,  
Your excellency's most obedient humble servant,

E. GREY.

#### BY THE KING—A PROCLAMATION REVISING THE LIST OF CONTRABAND OF WAR—GEORGE R. I.

(A proclamation announcing a contraband list the same as the British Government's list has been issued by the French Government.)

Whereas on the 4th day of August, 1914, we did issue our royal proclamation specifying the articles which it was our intention to treat as contraband of war during the war between us and the German Emperor; and

Whereas on the 12th day of August, 1914, we did by our royal proclamation of that date extend our proclamation aforementioned to the war between us and the Emperor of Austria, King of Hungary; and

Whereas on the 21st day of September, 1914, we did by our royal proclamation of that date make certain additions to the list of articles to be treated as contraband of war; and

Whereas it is expedient to consolidate the said lists and to make certain additions thereto: Now, therefore,

We do hereby declare, by and with the advice of our privy council, that the lists of contraband contained in the schedules to our royal proclamations of the 4th day of August and the 21st day of September aforementioned are hereby withdrawn, and that in lieu thereof during the continuance of the war or until we do give further public notice the articles enumerated in Schedule I hereto will be treated as absolute contraband and the articles enumerated in Schedule II hereto will be treated as conditional contraband.

#### SCHEDULE I.

1. Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.
2. Projectiles, charges, and cartridges of all kinds, and their distinctive component parts.
3. Powder and explosives specially prepared for use in war.
4. Sulphuric acid.
5. Gun mountings, limber boxes, limbers, military wagons, field forges and their distinctive component parts.
6. Range finders and their distinctive component parts.
7. Clothing and equipment of a distinctively military character.
8. Saddle, draft, and pack animals suitable for use in war.
9. All kinds of harness of a distinctively military character.
10. Articles of camp equipment and their distinctive component parts.
11. Armor plates.
12. Hematite iron ore and hematite pig iron.
13. Iron pyrites.
14. Nickel ore and nickel.
15. Ferrochrome and chrome ore.
16. Copper, unwrought.
17. Lead, pig, sheet, or pipe.
18. Aluminum.
19. Ferrosilica.
20. Barbed wire, and implements for fixing and cutting the same.
21. Warships, including boats and their distinctive component parts of such a nature that they can only be used on a vessel of war.
22. Aeroplanes, airships, balloons, and air craft of all kinds, and their component parts, together with accessories and articles recognizable as intended for use in connection with balloons and air craft.
23. Motor vehicles of all kinds and their component parts.
24. Motor tires; rubber.
25. Mineral oils and motor spirit, except lubricating oils.
26. Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war material for use on land and sea.

#### SCHEDULE II.

1. Foodstuffs.
2. Forage and feedings stuff for animals.
3. Clothing, fabrics for clothing, and boots and shoes suitable for use in war.
4. Gold and silver in coin or bullion; paper money.



5. Vehicles of all kinds, other than motor vehicles, available for use in war, and their component parts.
  6. Vessels, craft, and boats of all kinds; floating docks, parts of docks, and their component parts.
  7. Railway materials both fixed and rolling stock, and materials for telegraphs, wireless telegraphs, and telephones.
  8. Fuels, other than mineral oils; lubricants.
  9. Powder and explosives not specially prepared for use in war.
  10. Sulphur.
  11. Glycerine.
  12. Horseshoes and shoeing materials.
  13. Harness and saddlery.
  14. Hides of all kinds, dry or wet; pigskins, raw or dressed; leather, undressed or dressed, suitable for saddlery, harness, or military boots.
  15. Field glasses, telescopes, chronometers, and all kinds of nautical instruments.
- Given at our court at Buckingham Palace, this 29th day of October, in the year of our Lord 1914, and in the fifth year of our reign.  
God save the King.

AT THE COURT AT BUCKINGHAM PALACE, THE 29TH DAY OF OCTOBER, 1914. PRESENT, THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.  
(A decree similar to this order in council has been issued by the French Government.)

Whereas by an order in council dated the 20th day of August, 1914, His Majesty was pleased to declare that during the present hostilities the convention known as the Declaration of London should, subject to certain additions and modifications therein specified, be adopted and put in force by His Majesty's Government; and  
Whereas the said additions and modifications were rendered necessary by the special conditions of the present war; and  
Whereas it is desirable and possible now to reenact the said order in council with amendments in order to minimize, so far as possible, the interference with innocent neutral trade occasioned by the war: Now, therefore,

His Majesty, by and with the advice of his privy council, is pleased to order, and it is hereby ordered, as follows:

1. During the present hostilities the provisions of the convention known as the Declaration of London shall, subject to the exclusion of the lists of contraband and noncontraband, and to the modifications hereinafter set out, be adopted and put in force by His Majesty's Government.

The modifications are as follows:

(i) A neutral vessel, with papers indicating a neutral destination, which, notwithstanding the destination shown on the papers, proceeds to an enemy port, shall be liable to capture and condemnation if she is encountered before the end of her next voyage.

(ii) The destination referred to in article 33 of the said declaration shall (in addition to the presumptions laid down in article 34) be presumed to exist if the goods are consigned to or for an agent of the enemy state.

(iii) Notwithstanding the provisions of article 35 of the said declaration, conditional contraband shall be liable to capture on board a vessel bound for a neutral port if the goods are consigned "to order," or if the ship's papers do not show who is the consignee of the goods or if they show a consignee of the goods in territory belonging to or occupied by the enemy.

(iv) In the cases covered by the preceding paragraph (iii) it shall lie upon the owners of the goods to prove that their destination was innocent.

2. Where it is shown to the satisfaction of one of His Majesty's principal secretaries of state that the enemy Government is drawing supplies for its armed forces from or through a neutral country, he may direct that in respect of ships bound for a port in that country, article 35 of the said declaration shall not apply. Such direction shall be notified in the London Gazette, and shall operate until the same is withdrawn. So long as such direction is in force a vessel which is carrying conditional contraband to a port in that country shall not be immune from capture.

3. The order in council of the 20th August, 1914, directing the adoption and enforcement during the present hostilities of the convention known as the Declaration of London, subject to the additions and modifications therein specified, is hereby repealed.

4. This order may be cited as "the Declaration of London Order in Council, No. 2, 1914."

And the lords commissioners of His Majesty's treasury, the lords commissioners of the Admiralty, and each of His Majesty's principal secretaries of state, the president of the probate, divorce, and admiralty division of the high court of justice, all other judges of His Majesty's prize courts, and all governors, officers, and authorities whom it may concern, are to give the necessary directions herein as to them may respectively appertain.

ALMERIC FITZROY.

BRITISH AND FRENCH CONTRABAND LIST—BY THE KING—A PROCLAMATION REVISING THE LIST OF ARTICLES TO BE TREATED AS CONTRABAND OF WAR—GEORGE R. I.

(A contraband list the same as the British Government's list has been issued by the French Government.)

Whereas on the 4th day of August, 1914, we did issue our royal proclamation specifying the articles which it was our intention to treat as contraband of war during the war between us and the German Emperor; and

Whereas on the 12th day of August, 1914, we did by our royal proclamation of that date extend our proclamation aforementioned to the war between us and the Emperor of Austria, King of Hungary; and  
Whereas on the 21st day of September, 1914, we did by our royal proclamation of that date make certain additions to the list of articles to be treated as contraband of war; and

Whereas on the 29th day of October, 1914, we did by our royal proclamation of that date withdraw the said lists of contraband and substitute therefor the lists contained in the schedules to the said proclamation; and

Whereas it is expedient to make certain alterations in and additions to the said lists: Now, therefore,

We do hereby declare, by and with the advice of our privy council, that the lists of contraband contained in the schedules to our royal proclamation of the 29th day of October aforementioned are hereby withdrawn, and that in lieu thereof during the continuance of the war or until we do give further public notice the articles enumerated in Schedule I hereto will be treated as absolute contraband and the articles

enumerated in Schedule II hereto will be treated as conditional contraband.

#### SCHEDULE I.

1. Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.
2. Projectiles, charges, and cartridges of all kinds and their distinctive component parts.
3. Powder and explosives specially prepared for use in war.
4. Ingredients of explosives, viz, nitric acid, sulphuric acid, glycerine, acetone, calcium acetate, and all other metallic acetates; sulphur, potassium nitrate, the fractions of the distillation products of coal tar between benzol and cresol, inclusive; aniline, methylaniline, dimethylaniline, ammonium perchlorate, sodium perchlorate, sodium chlorate, barium chlorate, ammonium nitrate, cyanamide, potassium chlorate, calcium nitrate, mercury.
5. Resinous products, camphor, and turpentine (oil and spirit).
6. Gun mountings, limber boxes, limbers, military wagons, field forges, and their distinctive component parts.
7. Range finders and their distinctive component parts.
8. Clothing and equipment of a distinctively military character.
9. Saddle, draft, and pack animals suitable for use in war.
10. All kinds of harness of a distinctively military character.
11. Articles of camp equipment and their distinctive component parts.
12. Armor plates.
13. Ferro alloys, including ferrotungsten, ferromolybdenum, ferromanganese, ferrovanadium, ferrochrome.
14. The following metals: Tungsten, molybdenum, vanadium, nickel, selenium, cobalt, hematite pig iron, manganese.
15. The following ores: Wolframite, scheelite, molybdenite, manganese ore, nickel ore, chrome ore, hematite iron ore, zinc ore, lead ore, bauxite.
16. Aluminium, alumina, and salts of aluminium.
17. Antimony, together with the sulphides and oxides of antimony.
18. Copper, unwrought and part wrought, and copper wire.
19. Lead, pig, sheet, or pipe.
20. Barbed wire and implements for fixing and cutting the same.
21. Warships, including boats and their distinctive component parts of such a nature that they can only be used on a vessel of war.
22. Submarine sound signaling apparatus.
23. Aeroplanes, airships, balloons, and air craft of all kinds, and their component parts, together with accessories and articles recognizable as intended for use in connection with balloons and air craft.
24. Motor vehicles of all kinds and their component parts.
25. Tires for motor vehicles and for cycles, together with articles or materials especially adapted for use in the manufacture or repair of tires.
26. Rubber, including raw, waste, and reclaimed rubber, and goods made wholly of rubber.
27. Iron pyrites.
28. Mineral oils and motor spirit, except lubricating oils.
29. Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war material for use on land and sea.

#### SCHEDULE II.

1. Foodstuffs.
  2. Forage and feeding stuffs for animals.
  3. Clothing, fabrics for clothing, and boots and shoes suitable for use in war.
  4. Gold and silver in coin or bullion; paper money.
  5. Vehicles of all kinds, other than motor vehicles, available for use in war, and their component parts.
  6. Vessels, craft, and boats of all kinds; floating docks, parts of docks, and their component parts.
  7. Railway materials, both fixed and rolling stock, and materials for telegraphs, wireless telegraphs, and telephones.
  8. Fuel, other than mineral oils. Lubricants.
  9. Powder and explosives not specially prepared for use in war.
  10. Horseshoes and shoeing materials.
  11. Harness and saddlery.
  12. Hides of all kinds, dry or wet; pigskins, raw or dressed; leather, undressed or dressed, suitable for saddlery, harness, or military boots.
  13. Field glasses, telescopes, chronometers, and all kinds of nautical instruments.
- Given at our court at Buckingham Palace this 23d day of December, A. D. 1914, and in the fifth year of our reign.  
God save the King.

#### INDIANS OF NORTH CAROLINA.

Mr. FLETCHER. On January 5, 1915, there was presented to the Senate a letter from the Secretary of the Interior, transmitting a report of the condition and tribal rights of the Indians of Robeson and the adjoining counties of North Carolina, and it was ordered printed. The order did not include the illustrations which accompanied the communication. I ask that the illustrations transmitted by the Secretary of the Interior be printed with the document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

#### FOOT-AND-MOUTH DISEASE.

Mr. SHERMAN. I offer a resolution, which I ask may be read and referred to the Committee on Agriculture and Forestry.

The resolution (S. Res. 518) was read and referred to the Committee on Agriculture and Forestry, as follows:

Whereas the foot-and-mouth disease has broken out among certain live stock in certain localities of the United States, resulting in great financial loss to the farmers and stock raisers and hindering the production of cattle and hogs and demoralizing the traffic in the same, lessening the domestic supply of meats and dairy products; and  
Whereas extensive slaughter by Federal authorities of the animals affected has been made for which appropriations to indemnify in part the owners of such live stock must be provided by Congress; and  
Whereas those who have had experience with stock affected by such disease are of the opinion that the slaughter of such stock is unnecessary wherever it can be quarantined; and



Whereas it is believed by persons competently informed of the character of such disease that it is curable and that not exceeding 3 per cent of the animals affected die, the remainder recovering so as to be fit for food and other purposes: Now, therefore, be it

*Resolved*, That an investigation of the foot-and-mouth disease be had by the Committee on Agriculture and Forestry, with the view of ascertaining the origin of the disease in the United States and its nature, whether the same is curable, what proportion of the live stock affected recover, whether the slaughter of the same is unnecessary, and that the authorities now engaged in the investigation and slaughter of animals in the various States of the Union be requested to desist from further slaughter and confine their efforts to the cure and quarantine of live stock affected or threatened to be affected; and, because of this emergency existing, that said committee be, and is hereby, instructed to proceed with such investigation forthwith and report the same as speedily as may be practicable.

Mr. SHERMAN. Mr. President, if I may be indulged for a moment, this is a resolution going to the committee asking them to investigate the foot-and-mouth disease. This disease has assumed very large proportions in certain parts of the western country. More than \$1,000,000 worth of stock has been slaughtered in the last three or four months in a single State. It has disturbed the ordinary traffic in live stock to a degree that it is practically suspended in a part of certain States that probably contain from five to seven million population. It relates to the care and transportation in some of the largest live-stock markets in the West.

It is a question with me if there is not a prevailing misapprehension in the Department of Agriculture as to the necessity of the slaughter of these animals. They go upon the impression that the only way to prevent the spread of the disease is to immediately kill all the stock and bury it, after having taken the usual precautions which are deemed necessary.

Mr. FLETCHER. Mr. President, we can not hear the Senator on this side.

Mr. SHERMAN. The disease is comparatively new in this country, and very little accurate information seems to have been gathered even by the Department of Agriculture. The information which comes to me upon the subject, Mr. President, is that not more than 3 per cent of the stock affected die; that the rest recover. It loses its value for a time, but ultimately it is recovered to a degree that it can enter into the commerce of the country.

The universal destruction which has been visited upon the western country by the action of the several States acting with the Department of Agriculture will ultimately entail a very large appropriation both on the part of the General Government and the several States affected. Injunction suits are pending and restraining orders have been issued on the application of stock owners enjoining a number of State authorities from the destruction of the cattle.

The Federal Government, acting through its agents, has no authority whatever, unless the stock is in interstate commerce, to go upon the premises of a private owner and destroy the property. There are no appropriations either in the State or Federal Treasury that authorize the payment. This unexpected and total destruction is visiting bankruptcy upon a large number of responsible owners of property. It leaves their notes in the banks and subjects them to unusual hardships; it has destroyed the live-stock industry in many populous areas; and, I have feared, unless restrained within some proper limits by an investigation containing some accurate information of the question, it will lead to still further serious loss and trouble.

The meat products of this country are already short enough without curtailing them by the destruction of cattle, unless that be the only remedy. The object of this resolution is that the Congress shall communicate with the movements of the Department of Agriculture so as possibly to mitigate the slaughter. I would like to know if segregation and quarantine might not take the place of killing in many cases. I believe some authorities favor this in some cases. In several of the Western States they have—

Mr. KENYON. Mr. President—

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Iowa?

Mr. SHERMAN. I do.

Mr. KENYON. I should like to ask the Senator what resolution he refers to?

Mr. SHERMAN. It is a resolution requiring the Committee on Agriculture and Forestry to investigate the foot-and-mouth disease, the destruction of property, the necessity of destroying it or the question of quarantining the cattle rather than destroying them, the extent of the recovery of cattle, alleging in a preamble that not more than 3 per cent of the cattle affected have been found necessary to destroy or that die.

Mr. KENYON. Is the Senator aware that a resolution was introduced along similar lines and referred to the Committee on Agriculture and Forestry, and that a subcommittee was appointed, and that it started in on this investigation?

Mr. SHERMAN. Yes.

Mr. KENYON. I think it would be in point for the Senator to inquire of the chairman of that subcommittee, the Senator from Oklahoma [Mr. GORE], as to why the investigation does not proceed. Some witnesses were summoned before that committee from the State of Ohio; I think about 20. Some question arose as to the payment of the fee of those witnesses. I have been anxious to bring witnesses before that committee from the State of Illinois and from the State of Iowa, but there seems to be some stoppage of this matter because of the question of the fee. I am glad the Senator has brought up the matter, and I wish he would try and discover why the investigation has stopped.

Mr. SHERMAN. That is the purpose of the resolution. While the time is being taken—

Mr. SIMMONS. Mr. President, a parliamentary inquiry. What is before the Senate?

The VICE PRESIDENT. The Senator from Illinois is before the Senate.

Mr. SHERMAN. I am proceeding only by unanimous consent.

Mr. SIMMONS. What subject matter is before the Senate?

The VICE PRESIDENT. The Senator from Illinois is discussing his resolution. If the inquiry is as to whether it is in order, the Chair will state—

Mr. SIMMONS. That is my next inquiry.

The VICE PRESIDENT. Debate is not in order, except by unanimous consent.

Mr. SIMMONS. Then I call for the regular order.

The VICE PRESIDENT. The Chair must hold that debate is not in order.

Mr. SHERMAN. I shall discuss the subject further at a future time.

#### IMPORT DUTIES COLLECTED AT VERA CRUZ.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Secretary read the resolution (S. Res. 514) submitted by Mr. CUMMINS on the 8th instant, as follows:

*Resolved*, That the President is requested to inform the Senate, if compatible with the public interest, with respect to the following matters, to wit:

First. As to the amount of money collected by the United States at the port of Vera Cruz, Mexico, during the occupation of that city by our military forces as import duties or other taxes or imposts laid under the laws of Mexico.

Second. Whether the duties, imposts, or taxes so collected by the United States had been pledged in any form to secure or insure the payment of obligations issued by any Government, or alleged Government, of the Republic of Mexico or one of the States thereof.

Third. As to the ownership of such obligations at the time the military forces of the United States occupied Vera Cruz, and such ownership at the present time.

Fourth. As to any claims which have been made upon the United States for the payment or transfer of the money so collected, and the names of the persons making such demands.

Fifth. As to the deposit of the money so collected in the Treasury of the United States and the account to which it was deposited.

Sixth. Whether it is the intention of the executive department of the Government to pay out or otherwise dispose of the money so collected without action or authority on the part of Congress.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. STONE. I move that the resolution be referred to the Committee on Foreign Relations.

Mr. CUMMINS. A parliamentary inquiry, Mr. President. That motion, I assume, is debatable?

Mr. STONE. I have no objection to the Senator from Iowa proceeding.

Mr. CUMMINS. I ask if the Senator from Missouri desires to debate the resolution?

Mr. STONE. No; I do not desire to discuss the matter. I simply make the motion for its reference. [A pause.]

Mr. ROBINSON. I desire to inquire who is occupying the floor at this time?

Mr. STONE. I made a motion to refer the resolution, and that motion is pending. The Senator from Iowa [Mr. CUMMINS] rose, stating that he would like to address the Senate on the resolution.

Mr. ROBINSON. Will the Senator from Iowa yield to me to submit a request for unanimous consent which I think will conserve the time and promote the convenience of the Senate?

Mr. CUMMINS. Certainly.

Mr. ROBINSON. Mr. President, I ask unanimous consent that on to-morrow, not later than 2 o'clock p. m., the Senate will proceed to the consideration of the conference report on the immigration bill, and that the Senate will proceed to a vote thereon at not later than 3 o'clock.

Mr. GALLINGER. That request requires a roll call.

The VICE PRESIDENT. The Secretary will call the roll.



The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Myers	Smith, Md.
Bankhead	Goff	Nelson	Smoot
Brady	Gore	O'Gorman	Sterling
Bristow	Gronna	Oliver	Stone
Bryan	Hardwick	Overman	Sutherland
Burleigh	Hitchcock	Owen	Swanson
Burton	Hollis	Page	Thomas
Camden	Hughes	Perkins	Thornton
Chamberlain	James	Pomerene	Tillman
Chilton	Jones	Ransdell	Townsend
Clapp	Kenyon	Reed	Vardaman
Clark, Wyo.	Kern	Robinson	Walsh
Crawford	La Follette	Saulsbury	Weeks
Culberson	Lea, Tenn.	Shafroth	White
Cummins	Lee, Md.	Sheppard	Williams
Dillingham	Lodge	Sherman	Works
du Pont	McLean	Simmons	
Fletcher	Martine, N. J.	Smith, Ga.	

Mr. SMITH of Georgia. I desire to state that the Senator from South Carolina [Mr. SMITH] is detained at home by sickness in his family.

Mr. CLARK of Wyoming. I desire to announce the unavoidable absence of my colleague [Mr. WARREN]. I will allow this announcement to stand for the day.

Mr. GRONNA. I wish to announce the unavoidable absence of my colleague [Mr. McCUMBER]. He is paired with the junior Senator from Kentucky [Mr. CAMDEN].

Mr. TOWNSEND. I desire to announce the absence of the senior Senator from Michigan [Mr. SMITH], who is paired on all votes with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. CHAMBERLAIN. I desire to state that my colleague [Mr. LANE] is temporarily absent on business of the Senate.

The VICE PRESIDENT. Seventy Senators have answered to the roll call. There is a quorum present. The Secretary will state the unanimous-consent agreement which has been proposed by the Senator from Arkansas [Mr. ROBINSON].

The SECRETARY. The Senator from Arkansas [Mr. ROBINSON] asks unanimous consent that on to-morrow, Thursday, January 14, 1915, at not later than 2 o'clock p. m., the Senate will proceed to the consideration of the conference report on the bill (H. R. 6060) to regulate the immigration of aliens to and the residence of aliens in the United States, and that at not later than 3 o'clock p. m. on said day the Senate will proceed to vote, without further debate, upon the question of agreeing to such conference report.

The VICE PRESIDENT. Is there objection?

Mr. TOWNSEND. Mr. President, for the reasons stated by me on the day before yesterday I feel constrained to object.

Mr. CUMMINS. Mr. President, I address myself for just a moment to the motion of the Senator from Missouri [Mr. STONE], which is to refer the resolution which I have offered to the Committee on Foreign Relations. I hope that the resolution will not be so referred.

It is impossible for me to conceive any reason for the consideration of this resolution by the Committee on Foreign Relations. The resolution has nothing whatever to do with our foreign relations; it simply asks for information concerning a sum of money that has been collected by the United States during its occupation of Vera Cruz. The money, I assume, is now in the United States. Why the Senate and the country should not be advised of its amount, why they should not be advised of the claims that are made by those who believe that the customs duties at Vera Cruz were pledged to secure certain obligations, and why the President should be disinclined to tell the Senate whether or not it is his purpose to pay out this money without the action of Congress, I can not understand.

The Senator from Missouri said a few days ago that he intended presently to address the Senate at some length upon the subject of our relations with Mexico. It may be that the information sought to be obtained by this resolution would be of great assistance to the Senator from Missouri in the performance of that very agreeable duty. I think he ought to know when he comes to address the country upon our course toward Mexico what amount we have collected while we have been in occupation of Vera Cruz and what we propose to do with it. I think such information would be very enlightening and very instructive.

Although I do not pretend to have definite and authoritative information with regard to it, I have feared that it was the opinion of the administrative department of the Government that either the President or the Secretary of War had a right to dispose of this money according to their view of its proper and legal ownership. I do not think that the President has any such power. I think the money can be disposed of only on the authority of Congress, and it is of the highest importance in the exercise of our duty that we should know whether this

large sum of money is at the personal disposition of the administration or whether it is to be considered as the property of the Nation and shall be disposed of according to the will of Congress.

The Senator from Missouri has given no reason for asking the reference, and in a matter that is so far removed from the ordinary jurisdiction of the Committee on Foreign Relations, I feel constrained to object to it.

The VICE PRESIDENT. The question is on the motion to refer the resolution to the Committee on Foreign Relations.

Mr. CUMMINS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STONE. Mr. President, I have no wish or purpose to discuss this resolution at this time. I think the resolution ought to go to the committee. I think it entirely advisable in the circumstances that that disposition be made of it.

There is no recognized government in Mexico at this time; that is, no government recognized by the United States. There are different factions in Mexico, different organizations with different heads, claiming to represent the people of Mexico, and it is but natural that each of these should lay claim to this money; that each should contend that it is entitled to receive the money.

I do not think that this is the proper time to bring questions of that kind before the Senate for discussion. The money is in no danger of being embezzled, misappropriated, or misused. It is not the property of the United States; that is clear; and as to the disposition to be made of it, I repeat that in the present circumstances it is a question we might wisely and well defer and not agitate by discussion at this moment on the floor of the Senate.

The Senator says that this resolution should not go to the Committee on Foreign Relations; that that committee has no jurisdiction over a matter of this kind. Why, Mr. President, the very gist of this inquiry concerns our relations with Mexico in respect to a matter in which the people of Mexico, as a foreign people, are interested, and in respect to which we are to deal as one Government with the Government or the people of Mexico. Therefore, it seems to me, if a reference is to be made the resolution should go to that committee in preference to any other, and I hope that that reference will be made; that the committee may have an opportunity in its sessions to take up the subject, ascertain all the facts, discuss their bearings, and determine, so far as the committee can determine, what course should be pursued and what recommendations should be made to the Senate.

That is about all I think it necessary to say at this time. I present the motion to refer the resolution, and ask that a vote be taken thereon.

Mr. CLARK of Wyoming. Mr. President, I am unable to see in the terms of this resolution anything that should excite the fears of the Senator from Missouri that there is going to be anything improper asked or received, or that this country or Mexico is going to suffer by reason of the passage of this resolution.

The resolution asks the President, if in his opinion it is not incompatible with the public good, to furnish the Senate certain information as to certain facts. I apprehend that if the President is in possession of that information, and thinks it would not be proper to furnish it to the Senate in public under the respectful request of the resolution, he will so state, and no harm can possibly ensue. But, Mr. President, I am not in sympathy with the idea that month after month and year after year the American people shall be kept in absolute ignorance of a thing that so intimately concerns them all.

Less than 10 days ago, for the first time we had from the President of the United States a distinct statement of what the administration's policy in Mexico is, or is to be; that is, to allow them to fight out their quarrels at their own sweet will until one or the other shall be exterminated; and that really we have no business, as a neighboring nation, to interfere in any way with what is going on in that great and distressed Republic.

I was very much struck with a cartoon I saw in one of the newspapers a day or two ago about the "watchful waiting" policy—Uncle Samuel, in full uniform, sitting on the dividing line between Mexico and the United States with a "watchful waiting" motto, while the bullets were whizzing through his hat. But there is nothing of that sort in this resolution. It is well known that the American forces executed the laws of Mexico in the city of Vera Cruz. The Senator said there was no government; that no government had been recognized. We certainly recognized some form of government when we undertook to execute the laws of that government by collecting customs duties. We did that, and the money came back to us with



our troops. The money is here. How much there is of it, we do not know. We are asking the President. The Senator from Iowa [Mr. CUMMINS], in his resolution, is asking what, if any, disposition is intended to be made of the money. If the President thinks it is proper for Congress to know, he will answer. If he thinks it is not compatible with the public interest, he will decline; and with that answer we will have to be satisfied.

I can see no possible danger in any way in passing this resolution; and I think it ought to be passed without reference to the committee.

Mr. LODGE. Mr. President, I desire to say only a single word about this resolution. It refers to money which belongs to Mexico and to the Mexicans, and which we took while we collected the Mexican revenues at the port of Vera Cruz. It is money that belongs to somebody else. No one suggests for a moment that this money is to be embezzled in the hands of our administrative officers; but it seems to me that the country, at least, and Congress have a right to know how much money belonging to other people we have taken and what we propose to do with the money that belongs to other people.

When the Chinese indemnity fund from the Boxer rising was paid to the United States, Congress did not hesitate to make disposition of it, to require full accounts of it, and to ask what had been done with it under the protocol. Of course, if the President thinks it is against the public interest and would do harm to our relations with Mexico, which are so good at the present time, to state how much of their money we have taken, it is open to him under this resolution to refuse to give the information.

It does seem to me that we have a right to know how much Mexican money we brought away with us from Vera Cruz and what it is proposed to do with it. That is all this resolution is. I can not see how in any way it can have any diplomatic effect or in the least injure our relations with Mexico or do any harm in any direction. I therefore shall vote for its present consideration.

Mr. WILLIAMS. Mr. President, the de facto government at Vera Cruz during the American occupation was the American Government, of course. The American Government, not taking full advantage of that situation, chose rather to execute the laws found existing at the port of Vera Cruz, to collect the customs, not for itself, but for the people of Mexico, and to hold that money until it could be surrendered to a government representing the people of Mexico. Such a government does not yet exist. Such a government has not existed for some time. Internationally, at any rate, such a government does not exist, and has not existed, so far as we are concerned, because we have recognized no government in the Republic of Mexico.

Gentlemen can not embarrass the administration, they can not bamboozle the American people, by resolutions of this description. Those of the American people who choose to inquire know exactly how many dollars and cents the American Government collected at the port of Vera Cruz, because it is all recorded and all published. The American people also know that that money will be turned over to whatever government in Mexico shall be finally recognized by the United States Government. The American people also know that for the Government of the United States to turn over that money to anybody until the United States had recognized somebody would be self-stultification, in so far as our Republic is concerned.

Outside of all discussions as to whether we ought to have gone to Vera Cruz or not, outside of all discussions as to the wisdom or folly of what happened there, which is all a part of history and behind us, there can be no doubt that it is the duty of the American Government to hold that money until somebody, in its opinion, representing the Mexican people is there to receive it and to receipt for it. Suppose the United States Government handed it over now to one of the contenders for authority in Mexico, and suppose later somebody else came in and constituted the Government of Mexico. We would have to pay it twice.

What is the object behind this resolution? In saying that I am not saying anything personal. I will change the interrogatory, and instead of asking what is the object behind the resolution or the purpose behind it, I will say, What is the effect of the resolution? because I am not called upon to pass upon gentlemen's motives. It is absolutely certain that there can be no effect accruing from it except the effect, whether intended or not, of trying to impugn the honesty and the intelligence of the American Government at this time, which happens to be a Democratic administration. There is not a Senator on the other side who has the slightest idea that there is anything wrong about this transaction. There is not a Senator on the other side who has the slightest idea that this money is not going to be ultimately turned over to the proper parties.

It reminds me of a little occurrence during the Civil War. Old Isham G. Harris, of Tennessee, afterwards a Member of this body, was war governor of the State of Tennessee. The Federal forces took possession of Nashville. In the treasury of the State of Tennessee was a very large amount of money belonging to the school fund of that State. When old Harris had to vacate the capitol, when the Federal forces threatened it, he took this money and carried it with him and hid it away down in the ground in the mountains of North Carolina. When the war was over that money was not forthcoming. We had a carpetbag government in Tennessee spending all the money they could find, appropriating it to their own uses under all possible pretexts. Old Harris kept the money until a real government in the State of Tennessee came in. Meanwhile he subjected himself to the charge of embezzlement and everything else. Then he went down in North Carolina and dug up the money and brought it back and put it in the treasury, because he said he had finally found an honest government in the State of Tennessee, and he was determined that the children of Tennessee should never be deprived of that money.

This condition is not quite on all fours with that, but it is on all fours to this extent, that there is not a man on the other side of the Chamber who thinks the children of the Mexican Republic are ever going to be cheated out of a dollar of this money. Why should the matter be bandied around on the floor of the Senate in debate? Why should it not be referred to the Foreign Relations Committee, who in their turn shall consult with the President and the Secretary of State and at the proper time make the proper return to the resolution for the consideration of the Senate of the United States?

The late elections, Mr. President, have caused a sort of renaissance of Republican effort. The dear old party was nearly dead. It was on its last legs. It was divided. The Democracy had come into power, not by its own strength, but by the division of its opponents. An administration was in power which was a minority administration, just as Lincoln's was, and just as several other of the most successful administrations in our history were. Then along came the elections, and for I believe the third time only in the history of the American people a party after passing a general tariff bill succeeded in carrying the House of Representatives, though, of course, by a very much diminished majority; but in the meanwhile the enemies of Democracy had clasped hands as far as they were capable of clasping hands. Those of the so-called Progressives who had gone off from the Republican Party to stay, of course, voted with the Democracy, though some few of them voted the Progressive ticket. The next election showed that the Democratic administration had ceased to be a minority administration and had become a majority administration. It was no wonder that their majority was a good deal less than their plurality had been in view of the former division of their enemies. Then the other side of the Chamber begins all at once to make attacks of every description. Even when it comes to the foreign policy of the United States Government, even when it comes to international affairs, no matter what the pretext or what the ground, you have imagined that you are in a position where you can break down the administration.

Mr. President, they can not do it. Woodrow Wilson is going to be nominated by the Democratic Party for the office of President of the United States for the term succeeding his own, and he is going to be elected; and this time he is going to be elected not by a plurality vote, as the head of a minority administration, but by a majority vote, because since he went in the American people have found him not only good enough to take the place of men about whom and whose respective claims they were quarreling but good enough to stand upon his own footing.

A great deal has been said about his Mexican policy. What is the upshot of it all? What is the end and the be-all of it? He has kept the United States out of war in Mexico. There is not a soldier in blue uniform or in khaki carrying the flag of the United States upon the soil of Mexico. The American people, who have no quarrel with the Mexican people, are not killing any Mexican people.

He has been doing "watchful waiting," which for a long time you nursed to your breasts as a phrase of contempt, but which the people of the United States have indorsed. He has absolutely refused to be confuted by the shibboleth of false patriotism and chauvinism. He has stood patiently, borne much, suffered much, actuated by that desire for international peace which ought to actuate all of us, and has made up his mind that American boys, with no quarrel with Mexican boys, shall not be invading Mexico for the purpose of killing them and being killed; that is all.



Oh, I can imagine how we might have had somebody else in the White House who might have sent three or four very stirring messages to Congress, who might have said, "Mexicans have been taking property of American citizens, now and then a stray bullet has killed some one in America, and therefore I will raise the flag, and nobody will dare tear it down; come on boys and charge," and war would have been the end of it all—just slaughtering a lot of half-breeds in Mexico who never did anybody amongst us any harm, except in ignorance; and they themselves did not do it; somebody else did it, using them as mere blind instruments.

If this had been a Republican President instead of a Democratic President, this resolution would not have been introduced by the Senator. I will not say that somebody upon this side, desirous of embarrassing the Republican administration, might not have introduced it. Human nature is about the same, and I find very frequently that in grave international matters people permit domestic politics to interfere. I do not claim that this side is any better than that, but I will undertake to hazard the opinion upon my own part that this resolution would not have been introduced from that side if this had been a Republican administration.

What is the gravamen of it all? First, an inquiry as to the amount of money collected. That the proponent of the resolution could ascertain over the phone from the department. Second, whether the duties imposed and collected had been pledged in any form is also a matter known to everybody. Some of these customs have been pledged for some French debt, but they were not pledged by us—we are the mere stakeholders of the fund. We have to hand the fund over to the proper owner of it first. He is the one to consider the pledges, if there are any just pledges, which rest upon the fund. We can not ascertain who is the proper owner until this Government in its official capacity recognizes somebody or some set of men as the Government of Mexico.

Third. As to the ownership of such obligations at the time the military forces of the United States occupied Vera Cruz, and such ownership at the present time.

I suppose that is to see whether the original owners have any assignee or not.

Fourth. As to any claims which have been made upon the United States for the payment or transfer of the money so collected, and the names of the persons making such demand.

Fifth. As to the deposit of the money so collected in the Treasury of the United States and the account to which it was deposited.

Sixth. Whether it is the intention of the executive department of the Government to pay out or otherwise dispose of the money so collected without action or authority on the part of Congress.

The last request is a request for an "intention," to know a purpose in future, an opinion upon the part of the administration as to what its duty will be; not an inquiry as to a fact at all. It would be in the other House subject to a point of order for that reason.

Mr. President, whatever money this Government has collected at Vera Cruz is going to be held by this Government as a stakeholder until the rightful owner of the money is determined, and then it is going to be paid over by the Government of the United States to the rightful owner, and after that the question as to what shall be done with the money will be a question for the rightful owner and the pledgees of the fund to settle amongst themselves, a matter with which we have nothing to do.

As to whether that money will be paid out of the Treasury without an act of Congress or not depends upon the question as to whether it has been placed in the Treasury as a part of the general fund. If it has been placed there, the Constitution of the United States determines that question, because no money can be paid out of the Treasury, no matter how it got there, without an act of Congress. If it has not been placed in the Treasury and has been kept segregated as a special Mexican fund, not under the control of the Treasury of the United States, then certainly the administrative officers who have taken it may have the right to pay it over without an act of Congress, provided it be paid over to the real owner at the risk of the Executive paying it. I understand, though I am not sure I am right, that it has been covered into the Treasury. If it has been, then it can not be taken out except by an act of Congress.

Mr. CUMMINS. Mr. President, the remarks of the Senator from Mississippi [Mr. WILLIAMS], whatever other merit they may have, show very clearly that there is no necessity or reason for referring this resolution to the Committee on Foreign Relations. The Senator from Mississippi has attempted to respond to the resolution. If I were willing to accept his view of it instead of the view of the President of the United States, there would be no occasion for further inquiry. However, I would rather have the information from the captain of the team. I do

not recognize the members of the team as having the authority which the captain of the team always exercises.

The Senator from Mississippi is quite wrong when he says that there is any purpose in this resolution to embarrass the President of the United States. There is no such purpose. I do not want to embarrass the President of the United States. I would like to do something, if I could do it, to restrict his energy to the field created by the Constitution of the United States. I admit that. I think it would be a great service to the people of this country if the Chief Executive could be confined to his constitutional power and limited to his constitutional influence, and if I can do anything to bring about that result I will do it; but in doing it I will not concede that I am attempting in any wise to embarrass the President in the discharge of his lawful duties.

I am not a member of the team of which the President is the captain. I will not take orders from the President with respect to the manner in which this great game shall be played. I will not strike out because the captain orders me to do it. I will not make a sacrifice hit because it seems wise to the captain of the team that a sacrifice hit shall be made at a particular moment. I do not recognize any captaincy in the field of American politics or American Government. He is master of those powers which the Constitution confers upon the President and you ought to be masters of those powers which the Constitution confers upon the Congress of the United States.

The Senator from Mississippi is right in one respect. I want to know whether the President of the country intends to arrogate to himself the power to dispose of this money without the action of Congress. There need be no concern about that. I do not know, however, how much money has been collected, nor do I believe that such information has ever been given to the public. There has been an estimate published, but not with authority. I do not know what obligations these duties were pledged to secure. I do not know who holds these obligations. I do not know what influence the owners of these obligations have in the affairs of Mexico. I would like to know who they are, so that I might reach my own conclusion with regard to the influences which they may exert in order to secure possession of the money collected by the Army of the United States.

I am not asserting that the Army ought not to have collected the money. When we occupied the port of Vera Cruz—just why we occupied it, just what purpose could be accomplished by occupying it I do not know, but when we did occupy it I assume that it became our duty to see that the law, some law, was enforced among the people of that community. I am not complaining at all that the Army once there enforced the tariff law of the Republic of Mexico, but the Army having collected the money in a very peculiar capacity, the general of the Army having come into possession of the money, I deny that it then became subject to the disposal of the general of the Army or the Secretary of War or the President of the United States. I deny that the President has the right to determine what government of Mexico shall be the beneficiary of the money so collected by our Army. I deny that the President has the right to determine what bondholders or what obligation holders shall come into possession of the money collected by the military forces of the United States; that is for the law-making power. No matter whether the money is in the Treasury of the United States or whether it is in the hands of the general of the Army, the Secretary of War, or the President, I deny that either of these officers of the Government has the right to say where the money shall go.

If I have correctly understood the laws of our country and the spirit of our institutions, and if I am sound in my conclusion that the money must be finally disposed of by the Congress, then Congress has the right to the information sought in the resolution before the Senate. I am not willing to leave a matter of such grave concern in the unsettled and uncertain state in which it now is.

I am not accusing the President of any desire to divert the money to an unlawful purpose. There is no man who has a higher respect for the integrity and the capacity of the President of the United States than myself. I am simply objecting to his assumption that he ought to be supreme in the affairs of the United States. That seems to be his position. It develops in every utterance that ever fell from his lips. He assumes that under the Constitution he is the arbiter in all these things, and I have no doubt that he assumes it with perfect honesty. I have no doubt that he assumes it after the most careful reflection. Knowing these things, I know that he, at least, may believe that he can pay this money to whomsoever he believes



it belongs; and the Senator from Mississippi rather agrees with him.

The Senator from Mississippi seems to be of the opinion that whenever the President shall recognize some government in Mexico, whether that may be to-morrow or a decade hence, that then the President can take this money and turn it over to the government of Mexico which he recognizes. I do not so understand his authority. I grant that it is for him to determine what government of Mexico shall be recognized in a diplomatic way, but I deny that he has a right to take from the Treasury of the United States or from any officer of the United States a sum of money collected as this money was collected and deliver it to the government he thus recognizes. I think Congress has the right to know his intent in that respect; and knowing it, I think Congress has the right to guard against the execution of the intent.

We have come to a pretty pass if the Members of Congress can not be informed with regard to an operation—such an operation as this, at any rate—of the Army; can not be informed what money the Army has collected and who is claiming the money, and what the purpose of the President is with regard to it. If such an inquiry as this is an impertinence, if we can not ask in this mild and respectful way for information of this sort, the sooner we abdicate and do what we can to clothe the President with full and complete authority not only to execute but to make the laws of the United States the better it will be.

I am surprised that this motion was not made when the resolution first came before the Senate. Upon the request of the Senator from Missouri [Mr. STONE], I postponed it from one day to another for now three or four days. While the Senator from Missouri did not attempt to mislead me in any way by any statement from which I might infer what I am about to declare, yet I thought that the Senator from Missouri desired time in order to examine the resolution and see whether in his opinion it should be adopted or not. It now develops that this time was required in order that some other authority might be consulted and the views of other people ascertained with regard to the propriety of giving to the Senate the information suggested in the resolution.

I can not help but feel that that was not quite what might have been expected from the Senator from Missouri, who is conspicuous for his candor and his fairness. I must therefore reach the conclusion that there is something in this subject that the Senator from Missouri did not fully understand when the resolution was originally presented to the Senate; something that makes it desirable that the people shall not receive the information for which I ask.

I repeat, there is nothing in the resolution which affects our relations with the Republic of Mexico; there can be nothing in the information requested that will disturb or change our course toward Mexico; and I am therefore unable to understand why the resolution should be referred to the Committee on Foreign Relations, unless it is thought necessary to inter it in that graveyard of many hopes.

Mr. BORAH. Mr. President, the Senator from Mississippi [Mr. WILLIAMS] in discussing the resolution has advised us that the matter is in the keeping of the Chief Executive, and that there it can safely rest. It has come to be an almost unbroken custom in the Senate of late months that when a Republican offers a resolution of inquiry or takes any initiative in the matter of legislation, the only answer which we upon this side of the Chamber receive is a somewhat fulsome eulogy of President Wilson.

The Senator from Mississippi has also gone farther, and drawing upon his somewhat well-developed trait of prophecy, which we all know to have in the past been exercised with so much certainty, has advised us what will happen in 1916—a rather discouraging outlook to those who had hoped for relief of the country after that time. It would be more discouraging if it were not for the fact that, in reviewing the prophecies of the past, some hope still lies upon the sky of the future.

Mr. President, the remarks of the Senator from Mississippi lead me to some observations for a few moments upon the address which was delivered by the President of the United States at Indianapolis a few nights ago. Had that address been permitted to remain in the forum where it was delivered, it would have been better answered in that forum; but it was inserted and published in the CONGRESSIONAL RECORD. Therefore it seems to me it invites the attention of all self-respecting Members of the Senate and also of all members of the Republican Party.

It is a remarkable address, and its purpose and purport can not be mistaken or misunderstood. It is a virulent attack upon

one of the great political parties of the United States by the Chief Magistrate of the Nation, a party in whose traditions millions of his countrymen take great pride and in whose policies and principles they devoutly and patriotically believe. It not only challenges the wisdom of the leaders of that party, but it assails the intelligence and the patriotism of its rank and file.

All this was done, Mr. President, at a time when this country had sore need of united wisdom and patriotism to deal with those matters which have been rendered delicate by reason of foreign conditions; at a time when there ought to be presented upon these matters not a divided country, but a united one.

But, Mr. President, we accept the challenge which has been thrown down by the President. While we shall oppose no legislation which we deem to be wise or just, we shall, notwithstanding his admonitions and his threats, hold ourselves perfectly free to oppose to the utmost of our ability and of our energy those things which we deem to be unwise and unjust. Having arrived at the conclusion that the President prefers to be the leader of a party rather than the Chief Magistrate of the whole people, we shall not need to be reminded of that fact again.

Mr. President, in view of those remarks of the President, I propose to animadvert for a short time upon some of the details of that address. In doing so I shall not dwell very long upon that feature of the address which had to do with the castigation of his own party; I shall, rather, leave that to the independent spirit and to the self-respecting judgment of those to whom it was addressed. It is not my purpose to take up in detail, therefore, that feature of it, but rather to refresh the memory of those who feel that they are either members or not members of the "team."

I recall to your mind the language which the President addressed to his own followers. It is the most significant statement I think that was ever made in regard to a coordinate branch of the Government since the days of Andrew Johnson. I do not mean to say by that that the spirit which actuated it was the same, but you will search the history of our country in vain to find any such imputation upon a great coordinate branch of the Government as is found in the remarks of the President at Indianapolis. It calls for the serious consideration of every man who is a Member of this body. He said:

If any group of men should dare to break the solidarity of the Democratic team for any purpose or from any motive, theirs will be a most unenviable notoriety and a responsibility which will bring deep bitterness to them.

Not for an evil purpose, not for an unwise purpose, but "for any purpose" or for any reason should any man dare to break the solidarity of the party, his future will be shrouded with "unenviable notoriety."

Mr. President, that is the sole and central principle upon which every corrupt political machine was ever organized or put into existence. If the President had said "if any man shall for unrighteous or for mere patronage purposes or for any indefensible reason assume to break the solidarity of the Democratic Party," he would have been upon safe ground; his position would have been unassailable; but, mind you, the language which fell from the lips of the leader of the Democratic Party at Indianapolis was not different from that which the Indiana boss would have issued to the men in Indianapolis, 80 of whom this morning plead guilty to the crime of corruption; it is not different from the language which would be used by Mr. Murphy, of New York, to his satellitish and slavish adherents to follow the dictates of the captain, regardless of what their volition, their conscience, or their judgment might suggest.

It can not be possible, Mr. President, that the President, upon reflection, would want it understood that men who come here, having taken their oath, and representing a constituency which has sent them here, should be devoid of all volition, of all judgment, and refuse to exercise their conscience and wisdom in passing upon public questions, and yet they are advised that for no reason and for no purpose shall they dare to break the solidarity of this organization.

The President further said:

If a man will not play in the team, then he does not belong to the team. You see, I have spent a large part of my life in college, and I know what a team means when I see it; and I know what the captain of a team must have if he is going to win. So it is no idle figure with me.

When one reflects upon the position of a captain of a baseball team and the position of the team, the orders which are given by the captain, and ordinarily the language in which they are couched, the manner in which the team must obey, regardless of what their judgment may be, and the way in which they are fined if they do not obey—which I assume may be synonymous with patronage in the public service—the figure of speech used



by the President toward the Democratic Members of the Senate of the United States was, to say the least, not a happy one.

Mr. President, there are others who, by reason of their political association, are better fitted than am I to carry out this figure of speech in all its ramifications to its logical import and to see precisely where it lands them.

The President is impatient with the procedure of this body, and proceeds to advise the country that legislation is being sat upon principally by the Republican members of the Senate. It would be interesting to inquire, Mr. President, who has consumed the time of the Senate since the opening of this session of Congress? Since the deliverance of that remarkable speech at Indianapolis it has been my business to look into the matter somewhat, and I find that for about every two hours which the Democrats have utilized the Republicans have used an hour or three-quarters of an hour. The other evening we had an executive session for two hours and ten minutes, and not a voice was raised upon the Republican side, the entire time being taken by our Democratic friends in saying things about one another they did not desire to say in the open.

That is the rate at which we have been consuming the time, in proportion to the consumption of time by our colleagues upon the other side, since the opening of this session.

Now, Mr. President, do not misunderstand me. I do not for that reason criticize the majority Members. I do not know of a moment's time which has been utilized in vain or ineffectually. I think that the discussion here has generally been beneficial, and I do not complain at all that the Democratic Members, having the burden of legislation, have occupied most of the time. I only call this to the attention of the President in order that "the captain of the team" may get to be more active with reference to the team, and not lay the misfortunes of "the team" upon those who are not members of "the team."

What are the bills, Mr. President, of which the President has complained? The first bill to which he calls our attention is what is known as the power-site bill, or the conservation bill; and I will read, if I may, what he says upon that subject:

What we are trying to do in the great conservation bill is to carry out for the first time in the history of the United States a system by which the great resources of this country can be used, instead of being set aside so that no man can get at them. I shall watch with a great deal of interest what the self-styled friends of business try to do to those bills.

He also advises us of one other bill, which I shall mention in a few moments.

What is this conservation bill, Mr. President, and where was it at the time the President referred to it? The conservation bill is one of several bills which has for its object and purpose the fastening upon the public-land States of the West a system or policy heretofore unknown to any marked extent to our form of government; that is, a leasing system, a system by which royalties are collected from all the natural resources of the West. You can imagine of what vast importance that bill is to all the public-land States. It may, after full discussion and consideration, be deemed the wisest thing to do; but I do not think so. I am opposed to it now, and I shall be opposed to it until it shall have passed; and I have no doubt that in its workings in after years I shall find that I was right in my opposition to it.

But whether it is right or wrong, that bill was not out of the committee when the President of the United States was assailing Republicans for opposing it. That bill has not yet reached the Senate calendar, and let me tell you that on or about the day when the President was utilizing his typewriter in writing this speech one of the most distinguished Members of this body, a man whose integrity of purpose no one will question, the Senator from Colorado [Mr. SHAFROTH], was appearing before that committee opposing the bill, opposing it because he believed it to be eminently unwise and that it would work great injury to the State which he in part represents and to other States of the Union. He spoke before the committee on the subject as follows:

I believe that any leasing bill for the public domain or resources thereof is a direct attack on the sovereignty of the States containing the same, because it must result in a perpetual ownership of the property in the United States Government. Inasmuch as taxes can not be imposed upon property owned by the Federal Government, it means, to carry it to its ultimate result, the depriving of the States of their means of existence.

I want to call the attention of the committee to a list contained in an article by Mr. W. V. M. Powelson of the number of acres of land in the various Western States now in the ownership of the Government. In Arizona 92 per cent of the lands within the area of that State are in Government ownership; California, 52.58 per cent; Colorado, 56.67 per cent; Idaho, 83.80 per cent; Montana, 65.80 per cent; Nevada, 87.82 per cent; New Mexico, 62.83 per cent; Oregon, 51 per cent; Utah, 80.18 per cent; Washington, 40 per cent; Wyoming, 68 per cent.

So, Mr. President, here is a bill which, together with its sister bills, have for their purpose withholding from private ownership—because that would be their ultimate effect—from 52 to 82 per cent of the natural resources of the great public-land States of the West. Not only will it withhold them from private ownership and thereby deprive the States of the power and the means to tax them and to build up their private institutions, their schools, their higher educational institutions, their churches, and their courthouses, but they propose, in addition to that, to lay upon all the natural resources of the West a royalty, which every man who has reflected upon the subject knows will be paid by the consumers, who are the people themselves, in the end.

It is not a trivial matter. It is a matter which was said by Senator SHAFROTH, of Colorado, and is believed by many others, to involve the whole future prosperity and growth of those great commonwealths. Is 30 days or 40 days a sufficient length of time to reduce States from States to colonies? Shall the President hasten us exceedingly when the question of the vitality of the future of these States is involved? Will he castigate a party because we have not taken the bill from a committee and passed it? Upon what theory does this great Magistrate of ours suppose that men with conscience and judgment legislate with reference to those whom they represent?

I warn the President now, if I may be permitted to say so, that it is not so easy to dispose of the Western spirit. There may be other communities more willing and pliable; but I venture to say that when the integrity of the great Western Commonwealths is involved it will require something more than rhetoric to drive them from their position.

Let me read, Mr. President, some advice which we received at the hands of the President before he became the "captain." He says:

I am striving to indicate my belief that our legislative methods may well be reformed in the direction of giving more open publicity to every act, in the direction of setting up some form of responsible leadership on the floor of our legislative halls, so that the people may know who is back of every bill and back of the opposition to it, and so that it may be dealt with in the open Chamber rather than in the committee room. The light must be let in on all processes of lawmaking.

Legislation, as we nowadays conduct it, is not conducted in the open. It is not thrashed out in open debate upon the floors of our assemblies. It is, on the contrary, framed, digested, and concluded in committee rooms. It is in committee rooms that legislation not desired by the interests dies. It is in committee rooms that legislation desired by the interests is framed and brought forth. There is not enough debate of it in open house, in most cases, to disclose the real meaning of the proposals made.

This is a citation from page 125 of a work entitled "The New Freedom."

Mr. President, reflect for a moment. Here is a bill which had not come out of the committee, upon which there had not been an hour's debate, upon which there had been no interchange of views, and yet which involved a matter of supreme concern to at least nine great States of the Union; and we are advised that we must proceed at once, or we will be charged with unnecessarily delaying legislation, or, to use a common phrase, of filibustering.

What is the second bill to which he refers? The second bill is that known as the ship-purchasing bill. I am not qualified to discuss it. I would not undertake to do so at this time if I were qualified; but we all know and we all concede that it is one of tremendous import. It not only involves the question of public ownership of our public utilities, which we are now considering more and more, but it involves the question of that public ownership in a sphere of activity where it would be most difficult of all places to inaugurate it; and it involves, furthermore, possible conflict with foreign nations and the commerce of foreign countries. It is a matter of the utmost concern to the whole people. This bill had been reported from the committee, I think, four or five days at the time of the deliverance of the President at Indianapolis. The debate had hardly yet begun—had been only initiated by a few hours of consideration by very able Senators upon the floor; and yet this is another one of the measures which we are charged with delaying, by reason of the fact that it seems that the President desires it to be passed, in violation of the principle which he laid down in *The New Freedom*, as it came from the committee room.

We upon this side of the Chamber are not the only ones who look upon this bill with disfavor. I notice that the courageous Senator from Mississippi delivered himself upon this bill about the same day that the President was speaking at Indianapolis, and he said:

I am opposed to this bill because I believe it is the most indefensible form of subsidy yet proposed.



Mr. WILLIAMS. Mr. President, which Senator from Mississippi was that?

Mr. BORAH. The junior Senator from Mississippi [Mr. VARDAMAN].

It is one of those peculiarly dishonest measures which will "keep the word of promise to the ear and break it to the hope." It is violative of every tradition and platform declaration of the Democratic Party. The scheme, as interpreted by the President, is a mistake in policy, wrong in morals, pernicious in principle, and, therefore, will be disappointing in its ultimate results.

I ask permission, without reading this entire statement, to have it inserted in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The statement, entire, is as follows:

In this statement Mr. VARDAMAN says:

"I am opposed to this bill because I believe it is the most indefensible form of subsidy yet proposed. It is one of those peculiarly dishonest measures which will 'keep the word of promise to the ear and break it to the hope.' It is violative of every tradition and platform declaration of the Democratic Party. The scheme, as interpreted by the President, is a mistake in policy, wrong in morals, pernicious in principle, and, therefore, will be disappointing in its ultimate results.

#### "FINDS NO JUSTIFICATION.

"If the Government ownership and operation of steamboat and railroad lines is to become a permanent policy, there might be some little excuse or justification for this measure; but when we are told by the President that it is only a temporary makeshift—and who will question the authority of the President to speak in this matter?—it leaves it without excuse or justification. In his address to Congress on the 8th of December last the President said: 'It should take action to make it certain that transportation at reasonable rates will be promptly provided, even when the carriage is not at first profitable; and then, when the carriage has become sufficiently profitable to attract and engage private capital, and engage it in abundance, the Government ought to withdraw.'

"It is a peculiar character of mind which reasons to a conclusion and justifies the appropriation and expenditure of funds contributed by all the people to an enterprise of this character, which it is admitted must be a losing and unprofitable investment from the start. Congress has just as much right to donate funds from the Public Treasury to the cotton growers of the South, who, because of the war in Europe, have lost by the depreciation of the product of their farms something like \$450,000,000 this year. Congress has just as much authority to subsidize the cane growers of Louisiana, the beet growers of the Northwest, and the manufacturers of the Northeast as it has to appropriate money to buy ships to carry the manufacturers' products to foreign markets at the cost of all the taxpayers. The cotton growers of the South proposed to give the Government unquestioned security for the loan of \$250,000,000 of credit in order to save themselves a loss of \$500,000,000, but the Congress, headed by the President, turned a deaf ear to their appeal.

"If their demand was without merits or wrong in principle, who will say this measure is right? I am opposed to this bill because it is class legislation, pernicious in its conception, and necessarily unjust in its execution.

#### "SEES WASTE OF MONEY.

"It will be remembered that the bill provides for ships to engage in the foreign trade exclusively. The cast-iron, rock-ribbed, Government-favored coastwise monopoly is treated as a sacred thing—too sacred to be touched. The Government-owned boats are to be mere pioneers of business missionaries, as it were. Regardless of the expense, they are expected to go to the waste places and work up the business to be turned over later to private individuals, who are to reap the profits of a business which has been built up at the expense of all the people. The whole scheme, to my mind, involves an unwarranted, illegal, and immoral prodigality of money coined by the sweat and blood of the masses of this country and extorted from them by unjust and immoral laws.

"It is a dangerous departure, an innovation upon our time-honored system, violative of the spirit of our Government, and, I fear, the issue will be trouble to the party that proposes it and chagrin for the men who conceive it. I am in favor of an American merchant marine. I shall vote for such measures as may be necessary to put our ships on the dead level of opportunity with the ships of all other countries that come into our ports. If we shall by law, which we have a right to do, improve the standard of living for the sailors, we will at the same time elevate the standard of character and manhood of the men who operate the ships.

#### "OPPOSES HOTHOUSE ECONOMICS.

"I am opposed to the hothouse methods of economics in governmental matters. I do not think it is fair to take the money from the pocket of the wealth producers of this country and donate it to the owners of ships. Such a policy can not be justified by any other rule than that of the rule of might. It can not be defended upon any other theory than that might is right. The contention that the ships be bought under the terms of this bill will facilitate the transportation of cotton grown in the South to the foreign markets is not the proper spirititude to fool anybody. The suggestion that the Government of the United States will send its ships to places where privately owned ships flying the American flag will not go is absurd. As a matter of fact, Government-owned ships will be more careful not to violate the laws of neutrality. They will be more careful to avoid every possible complication with the belligerent powers of Europe than will ships owned by private individuals.

"But there is one thing that would happen, I am quite sure. A lot of unprofitable property in ships that are floating idly in the ports of this country in order to hide from the gunboats of hostile nations would be unloaded upon the Government of the United States at a good profit. And I am sure that after the war is over, and especially after the people of the United States shall have had an opportunity to pass judgment upon this proposed bill, that these same ships will be resold to private owners, and the American people will pocket a loss of \$75,000,000 to \$100,000,000. No, to my mind, the bill is a legislative evil without a mitigating incident, and, from the depths of my heart, I sincerely hope it may be defeated."

Mr. BORAH. It shows, Mr. President, that upon this bill there is a division of sentiment regardless of party lines, and that many aside from those who entertain that view upon this side of the Chamber entertain the view that it is an unwarranted step and one calculated to bring injury instead of benefit to the American people. Certainly it should have full discussion and most deliberate consideration.

Let me again recur to the advice of the President as to the treatment of this kind of legislation. I read from his work on Constitutional Government, at page 11. In this he says:

We speak now always of "legislatures," of "law-making" assemblies, as very impatient of prolonged debates and sneer at parliamentary bodies which can not get their "business" done. We join with laughing zest in Mr. Carlyle's bitter gibe at "talking shops," at parliaments which spend their days in endless discussion rather than in diligent prosecution of what they came together to "do." And yet to hold such an attitude toward representative assemblies is utterly to forget their history and their first and capital purpose. They were meant to be talking shops. The name "parliament" is no accidental indication of their function. They were meant to be grand parleys with those who were conducting the country's business; parleys concerning laws, concerning administrative acts, concerning policies and plans at home and abroad, in order that nothing which contravened the common understanding should be let pass without comment or stricture, in order that measures should be insisted on which the Nation needed, and measures resisted which the Nation did not need or might take harm from. Their purpose was watchful criticism; talk that should bring to light the whole intention of the Government and apprise those who conducted it of the real feeling and desire of the Nation; and how well they performed that function many an uneasy monarch has testified, alike by word and act.

Mr. President, it will be found as we survey the pages of history—and I am saying this now not by way of invidious criticism of the President himself, but rather in carrying out the statement in his book—that the great parliaments of the world have been the citadel of the people's freedom; that in these open public discussions not only have serpentine crawlers been killed and the interests of great, corrupt forces destroyed, but it will be further found that the great movements of commercial and political justice have had their origin in public discussion in these great parleys which the President so earnestly commends in his work. These questions, sir, which involve not only the largest States but the possible happiness and prosperity of ninety millions of people, can certainly well be given a few hours' debate, even should our Chief Magistrate in his petulance seem to think that it is too long. I commend him to a reflective moment with his own deliberately expressed opinions and views as found recorded in his books.

Mr. President, the President seems to be of the opinion that the shipping bill will be of great interest to the farmers of the United States. I do not believe the farmers of the United States will be greatly concerned about transportation when their wheat is \$1.40 a bushel. There is another thing in which the farmers of the United States are far more vitally interested and about which they are more greatly concerned, and that is that after they get their \$1.40 they shall not be compelled to turn around and pay it all out in interest to some exorbitant interest-collecting power. There will be no prosperity worthy of the name, there will be no return to the farm and to the country life in this country until we have put upon the statute books a sufficient and efficient system of rural credits which will enable the farmers of this country to have their credits and their loans and their interest at a rate which they can afford to pay. There is no proposition of more vital concern, not only to the farmer but to the entire business and industrial interests of this country, than to afford the farmers of the country a rural credit banking system which will enable them to do business upon a basis where a man who turns his capital over but once a year can afford to do it.

The shipping bill was made, in practical effect, to take the place of the rural credit bill. Both of these bills were before the committees. The rural credit bill could have been reported out and passed just as easily as the bill in regard to the shipping industry. I will leave it to the intelligent and patriotic farmers of this country to say in which bill they are more directly concerned and in which bill their interests are more vitally wrapped up—a shipping bill or a rural credit system. If we had had that bill before us it could not have been said that we were establishing a new and untried system, because it has been tried in many parts of the civilized world and found most beneficial to the agricultural and farming interests.

Mr. SMITH of Georgia. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. BORAH. I do.

Mr. SMITH of Georgia. Will the Senator advise the Senate as to whether both of these bills were before the same committee? I was under the impression that they were before different



committees. I am upon neither, and I do not know, so I really ask for information.

Mr. BORAH. I said they were both before committees.

Mr. SMITH of Georgia. I thought the Senator said they were both before the same committee.

Mr. BORAH. If I did, I did not intend to say it. No; I did not say that.

Mr. SMITH of Georgia. I understood the Senator to say that the rural credit bill and the shipping bill were both before the same committee.

Mr. BORAH. I did not say that, or, if I did, it was a lapsus lingue.

Mr. SMITH of Georgia. They were before different committees?

Mr. BORAH. They were before different committees.

I want to say here, and I say it in the utmost sincerity, that the President called a special session of Congress a year ago, among other purposes, for the purpose of creating and putting into effect what might be known as a new banking system—a system of currency and credits which was designed particularly to aid the banks of the country. It was a bankers' law—so designated and so described by those who defended it here upon the floor. Upon the 4th day of March this Congress will end by virtue of the law. The President of the United States could not do the farmer of this country a greater act of kindness, or benefit him more, than to call a special session for the sole purpose of passing a rural credit law. It will take some time to pass that kind of a law, and weary as we are, and worn as some of us may be, if that session were called for that special purpose it would be the most beneficent act that could be possibly rendered to the agricultural interests of this country. If he desires to aid the farmer, whose benefit from the ship-purchase bill will scarcely ever be realized, the better way to do it is to call a special session on the 5th of March for the sole purpose of working out a system for the farmer as we worked out a year ago for the banker.

Mr. BRISTOW. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. BORAH. I do.

Mr. BRISTOW. Would not that depend upon the kind of a bill which was worked out? If it should happen to be a bill which was simply an adjunct to the present Federal reserve act, which time is demonstrating to be an utter failure, might it not be a detriment instead of a good?

Mr. BORAH. I am assuming, of course, that we can finally work out a good bill. It is enough to challenge the bills after they are passed, although I grant that the Senator from Kansas has some justification for challenging them before they are passed. But I agree with the Senator that we want no adjunct to the Federal reserve bank act.

In the President's address of December 2, 1913, to the Congress he said:

I present to you, in addition, the urgent necessity that special provision be made also for facilitating the credits needed by the farmers of the country. The pending currency bill does the farmers a great service.

I rather disagree with the President there. The farmer takes his securities to the same old institution, to the same banking institution. He puts up his credit, but he pays precisely the same rate of interest. There is nothing in the new banking system which in any way reaches the agricultural demands of this country. That, however, was before the currency bill had been put into active operation, and was a prognostication rather than a statement of fact.

It puts them upon an equal footing with other business men and masters of enterprise, as it should, and upon its passage they will find themselves quit of many of the difficulties which now hamper them in the field of credit. The farmers, of course, ask and should be given no special privilege, such as extending to them the credit of the Government itself. What they need and should obtain is legislation which will make their own abundant and substantial credit resources available as a foundation for joint, concerted local action in their own behalf in getting the capital they must use. It is to this we should now address ourselves.

Then, in his message upon December 8, 1914, he says:

The great subject of rural credits still remains to be dealt with, and it is a matter of deep regret that the difficulties of the subject have seemed to render it impossible to complete a bill for passage at this session. But it can not be perfected yet, and therefore there are no other constructive measures the necessity for which I will at this time call your attention to.

In my judgment, Mr. President, such a bill as that never could be well perfected in the midst of legislation upon other subjects, and with that suggestion of the President I do not disagree; but I do say that it would be well for him to consider, if he will take suggestions from one who is on the other side of the Chamber, the proposition of calling us in special session for that purpose.

We now come to a very startling and remarkable statement upon the part of the President in that address, to which I invite your attention. He says:

The \* \* \* Republican party \* \* \* has not had a new idea for 30 years.

I think I had better read that again.

Mr. GALLINGER. Read the paragraph.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 19422) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes.

Mr. STONE. Mr. President, a parliamentary inquiry. That is the unfinished business which is now laid before the Senate?

The VICE PRESIDENT. The unfinished business is now laid before the Senate.

Mr. STONE. What becomes of this resolution?

The VICE PRESIDENT. It goes to the calendar.

Mr. STONE. Very well. These political harangues can go on at some other time on some other bill.

Mr. BORAH. Mr. President, I will continue the "political harangue," although I shall not descend to that kind of political harangue which so often characterizes the distinguished Senator from Missouri [Mr. STONE].

We all know the Senator is not only an expert in ethics, but also in the proper use of language toward his colleagues. He is a very gifted man in that respect. The President says:

The trouble with the Republican Party is that it has not had a new idea for 30 years. I am not speaking as a politician; I am speaking as a historian.

In a few moments I shall call attention to the language of the President as a historian, and I shall undertake to show that his language as a historian answers his remarks as a politician.

I have looked for new ideas in the records, and I have not found any proceeding from the Republican ranks.

It will be observed that not only does he include in his remark those who assume to have been leaders of the Republican Party but in all the countless millions who have made up the rank and file of the Republican Party during the last 30 years there has never originated an idea—the rank and file of the Republican Party which has constituted the majority of the United States for the last 30 years save and except one unfortunate period. During all that time it is the judgment of the Chief Magistrate that no idea ever originated not only among the leaders but among the rank and file.

They have had leaders from time to time who suggested new ideas, but they never did anything to carry them out. I suppose there was no harm in their talking, provided they could not do anything.

The reason I say the Republicans have not had a new idea in 30 years is that they have not known how to do anything except sit on the lid.

Some of them are misguided; some of them are blind; most of them are ignorant. I would rather pray for them than abuse them.

It is to be hoped if the President should indulge in that proposition his prayers will not have the same effect upon the country that his policies have had.

Mr. President, 30 years in the language of the good old Virginia dialect is "a right smart while." It is some comfort, however, to know that back of the 30 years there is a period which seems to be reasonably safe. From 1860 to about 1885 there seems to have been a period in which there were some ideas, and therefore it does not come within the stricture of the President. It was during that time that the Union was preserved, that slavery was abolished, that Lincoln lived and wrought, that Sumner exerted his great influence, that Grant preserved the States. The resumption of specie payments, the passage of the national banking act, and all those things which had to do with the preservation of the Union under which we live happened during that time, and that is not only unchallenged by mankind, but what is more fortunate, not challenged by the President himself. What a consolation that he should have left us at least a period of our activities to which we can point as not wholly barren of ideas.

But from 1885 there has not been, says the President, an idea in the Republican Party. Let us see. Eighteen hundred and eighty-five is a good point at which to begin a review of the acts of the Republican Party. I assert without fear of successful contradiction that if you will study the history of political organizations in every free institution under the sun from the days of Pericles until this fell hour you will not find 30 years so crowded with sane, progressive, beneficial legislation as the 30 years following 1885.



Prior to the great Civil War we had a civilization in this country which was entirely different from that civilization which we had to deal with in 1885. Prior to that time every community could live unto itself; the family generally took care of its own interests and had a mill or manufacturing establishment in every locality and every precinct, and so communities were isolated and lived unto themselves and by themselves.

But with the close of the great Civil War a different condition of affairs arose. We had raised and fed more than a million men. We had learned to do things upon a vast scale. The spirit of vastness was upon the American mind, and when the war closed and the soldier left the front and went home to his people he seemed to carry back into the great national civic life the spirit of vastness with which he had been acquainted in the great Civil War. The result of it was that this spirit leaving the military field entered into the industrial field, and we began to do things upon a vast scale. Great corporations and great trusts were organized, great transcontinental railroads were built from sea to sea, and upon a vast scale we began to build up and develop the great natural resources which nature's god had given us. Our imprisoned wealth was to be given its freedom.

In 1885 it became the duty of the Republican Party to deal with conditions which had never before been presented to mortal man, and the fact that we dealt with them wisely, that we dealt with them effectively, is proven by the fact that not a single one of the great statutes will be attacked by this administration, although it is in power in all the departments of the Government.

In 1887 we passed what is known as the interstate commerce act, creating the Interstate Commerce Commission, which had to do with the regulating of rates by the great transportation systems of the country, and from that time until lately it has performed its services to the great benefit of the people of the United States. Not only that, but in view of the trusts which were being formed and the great combinations which were growing up, it became necessary to deal with monopoly, and we passed what is known as the Sherman antitrust law. It was a wise provision of law, because it declared the principle of the Republic to be that of eternal enmity to monopoly.

Then came what is known as the antirebate law, a law having to do with a subject which had the effect of building up of one city and tearing down another; of building up one community and tearing down another; placing power in corporations which practically controlled the entire industries of the country. What is known as the antirebate law was passed.

We pass on down the line dealing with all these different subjects as they arose from time to time. We created a Bureau of Commerce and Labor to investigate conditions of great interest and also to investigate conditions of labor, afterwards passing what is known as the pure-food law, of incalculable service to all the people, the safety-appliance law, the postal-savings law, the parcel-post law, the physical valuation of railroads law, the employer's liability law, the law limiting the hours of service of railroad men, compensation for injuries to Government employees, the child-labor law for the District of Columbia, the Children's Bureau was established, publicity of campaign funds provided for, eight hours a day for Government employees and under Government contracts provided for, a law requiring the railroads to report accidents provided for, the boiler-inspection law, the Bureau of Mines established, the amendment of the Constitution providing for an income tax, the election of Senators by popular vote—and so on ad infinitum, dealing with each particular subject as it arose. Dealing with them sanely, safely, progressively, permanently.

Then finally we passed that bill which has been so often criticized by the opposition, known as the Vreeland-Aldrich Act, dealing with the finances of the country. I call your attention to the fact, my friends, that when the crisis came a few months ago and the European situation brought to us a condition unexpected it was under the Vreeland-Aldrich Act that you proceeded to protect the credit and the business interests of this country. We had months before passed the Federal reserve bank act, but it was not called into activity; it was not put into operation. It was not tested in that crisis, but when the crisis came it was permitted to remain idle while the Vreeland-Aldrich Act was the act under which we proceeded to pass the shoals and pitfalls of those first days of the European crisis. While we did so the Federal reserve bank act lay—huge, cumbersome, bulky, expensive—cast upon the shore of the legislative sea like some antediluvian mastodon, not quite live enough for the menagerie and not quite dead enough for the operating table

of the taxidermist, designed apparently for the Federal Treasury, but apparently on its way to the Smithsonian Institution. [Laughter.]

But, Mr. President, the President tells us he was speaking as a historian and not as a politician. In 1893 there was an unfortunate interruption in this 30 years of Republican domination, and it lasted until 1896. One reading the history of Prof. Wilson would come to the conclusion that there were ideas at work about the time that change took place in 1896. I will read you, in order that the Members of the Senate may have the benefit of it for reflection, what the President said upon this subject. Speaking of Cleveland's second term, he said:

Disorders of the most serious character, alike in business and in politics, had within that brief space their sharp culmination; foreign questions of the most delicate and critical kind unexpectedly arose; society itself seemed upheaved by forces which threatened it with lasting injury.

Again, on page 235 of volume 5 of this very valuable work, he says:

The business of the country had fallen dull and inactive because of the financial disquietude of the time. A great poverty and depression had come upon the western mining regions and upon the agricultural regions of the West and South. Prices had fallen; crops had failed. Drought swept the western plains clean of their golden harvests. Farmers in the districts most stricken could not so much as buy clothes for their backs, and went clad in the sacks into which they would have put their grain had they had any, their feet wrapped about with pieces of coarse sackcloth for lack of shoes. Men of the poorer sort were idle everywhere and filled with a sort of despair. All the large cities and manufacturing towns teemed with unemployed workmen who were with the utmost difficulty kept from starvation by the systematic efforts of organized charity. In many cities public works were undertaken upon an extensive scale to give them employment. In the spring of 1894 "armies of the unemployed" began to gather in the western country for the purpose of marching upon Washington, like mendicant hosts, to make known to the Government itself, face to face, the wants of the people. \* \* \* A hundred men began the journey with him, and their ranks had swelled to 350 by the time they entered Washington. They made no disturbance. Most of the towns and villages on their way supplied them with food.

Then he describes their meeting in Washington. Again, at another page, he continues:

Not until the very year 1897, when the new Republican administration came in, did the crisis seem to be past. The country had at last built its railway and manufacturing systems up, had at last got ready to come out of its debts, command foreign markets with something more than its foodstuffs, and make for itself a place of mastery. The turning point seemed to be marked by a notable transaction which took place the very month Mr. McKinley was inaugurated.

Yes, Mr. President, Samuel Gompers, the great labor leader, who can not be charged with being an intensely Republican partisan, shows in his report at that time that there were in the closing days of that administration 3,000,000 American workmen hunting for work which they could not find—not hobos, not idlers, but heads of families, men who wanted work and were unable to find it. Mr. Gompers, in a subsequent report, shows that in 18 months after Mr. McKinley was inaugurated President those 3,000,000 men had been taken off the highway and put to work. I do not commit Mr. Gompers as to causes of idleness or the reason for return to work; I am stating what I gather from his own reports.

Mr. President, it might not have been an era of "ideas," but what we did had the effect of feeding the American people and restoring the American business prosperity. In my humble judgment that same task will devolve upon the Republicans in 1917. There are at least three million men in this midwinter asking for work, and the soup house is again dotting the land. The cry in that campaign of 1916 will not be for more ideas, but for bread; not for more rhetoric, but for more soup; and the termination of the campaign will not be doubtful when that issue is once raised before the American people. "Ideas"—many a poor fellow wishes to-night that they were eatables.

Now, I want to say just in concluding upon this part of the subject, first, and I take the date of August 1, 1914, because of the war, for my assertion, and if anyone desires to challenge the assertion I shall submit data, otherwise I shall content myself with a general statement. I assert that upon the first day of August, 1914, the cost of living was never so high in this country as it was at that time. This would have seemed to be a subject of compelling influence with the President in the discussion of the condition of the country on the Indianapolis occasion. Secondly, I assert that the cost of government, the extravagance of government, has never been so great in its history, and especially in the last 30 years, as it was upon the first day of August, 1914. In the midst of profound peace, at a time when we were at peace with everybody, including Mexico, we were compelled to raise \$100,000,000 in the way of an emergency tax. Already the Government had exceeded the expenditures of the last year of Republican administration by \$117,000,000, and to that we added \$100,000,000 more to be taken from the people,



laboring under a stagnation and industrial depression such as had not characterized this country since 1896.

That \$117,000,000 and the \$100,000,000 did not include the \$25,000,000 which we are proposing to pay to Colombia. It did not include the \$3,000,000 which we are proposing to pay Nicaragua for another canal route. Just what we want with another canal route I am unable to determine, unless having built one canal and having given it to England we propose to build another and give it to Germany. [Manifestations of applause in the galleries.]

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Senator from Idaho will suspend. Under the rules of the Senate, manifestations of approval or disapproval are not permitted by the occupants of the galleries. The Senator from Idaho will proceed.

Mr. BORAH. That does not include, Mr. President, other items covered by the emergency appropriation bill. Now, when you sum the figures up, we were running at the rate of \$217,000,000 in excess of that which you characterized as extravagance in your platform at Baltimore.

Mr. President, there is one other statement in addition to that. Not only has the cost of living never been so high and taxes and extravagance of government so great, but never in the last 30 years, save once, has the foreigner paid so little in the maintaining of government for the right of enjoying the privileges of this home market which the Republicans have built up. The farmer has been placed upon the free list. His taxes are no less; his cost of living is no less; the extravagance of government is no less, yet the foreigner who comes in shares with him the home market, and pays less to assist him in maintaining the Government than he has ever paid in 30 years.

Mr. President, I leave that portion of the discussion and go to another feature of the President's address. To my mind the most remarkable of all the utterances of the President upon that historic occasion is his utterance in which he dealt with the unfortunate situation in Mexico. The Mexican situation calls for the most dispassionate discussion, and if it is possible for us to put aside all partisan feeling and view it wholly from the standpoint of an American citizen, certainly it is our duty to do so. I may not under the provocation measure up to that idea, but it shall be my endeavor to discuss it as I would have discussed it had not the President outlined the policy of his party at Indianapolis. But we must deal with the Mexican question as it is—not as it was or could have been. We must take the status quo and from that get our bearings, if we may, as to what we can do to ameliorate the situation which we find in Mexico.

I will be pardoned, I think, Mr. President, in this discussion for quoting from some remarks which I made in the Senate at the time the Mexican question was up a year ago. I do not do so other than for the purpose of justifying the views which I shall express now, or rather disclosing the integrity of purpose with which I present them.

On the 23d of April, 1914, in discussing this question, I said:

When, however, the President practically announced that a certain individual could not be a candidate for the Presidency in Mexico, and that we would in effect censor the elections which were to be held in Mexico, he announced a policy the inevitable logic of which was war with Mexico unless that policy was afterwards to be modified. I thought then, and I think now, there is no escape from war unless we furnish the escape ourselves through a change of policy.

That was true. When the President announced that a certain individual could not be President of Mexico, that the election would have to be conducted along certain lines, that certain internal conditions of Mexico would have to be adjusted according to his ideas, it was intervention, and there could be no escape from war with Mexico except through a modification of that policy. It is true that modification came. As was suggested by the Senator from Massachusetts [Mr. Lodge] the other day, we found refuge in the Niagara Falls conference and there modified our position entirely. Further, I said:

When we undertook to censor the internal conditions of that country and to place ourselves in the position of determining what government consisted of in Mexico, it was necessary as a consequence of that that we must some time go there to carry out that program. The supposition was that with Huerta removed there was some other force or some other power which would take his place and establish law and order in Mexico and establish such a government as the Republic of the United States could afford to acknowledge and recognize.

But no provision was made apparently for the subsequent power which was to control Mexico after the going of Huerta. Our going to Mexico destroyed Huerta. It removed the only semblance of government there was in Mexico. It removed the only semblance of government which other nations had seen fit to recognize. It seemed to me clear at that time that with Huerta removed and the only semblance of government there

destroyed, chaos must ultimately reign with the going of Huerta unless we ourselves provided the law and order which should obtain thereafter.

There was no alternative, Mr. President. If we did not set up a government ourselves or maintain some power there, it was clear that Carranza and Villa and the other factionists would soon fall to war among themselves, and that is precisely what followed.

Now, again, I said:

Mr. President, for myself I do not want to see war. I think when this bill passes it ought to be declared as the policy of the Congress of the United States that the Republic of the United States will withdraw as an interfering power in Mexico, will withdraw as an interfering power in Nicaragua, will withdraw as an interfering power in Honduras, and say to the Republics of Central America, "We will respect the integrity of your Governments, and we will approach your borders only when asked to do so by yourselves, and then only in a most friendly manner. We recognize—"

Still reading—

and will respect the autonomy of your States; we will never come to you except as an older brother.

Mr. President, it was just as clear to my mind as the noonday sun that when we entered Mexico for the purpose of interfering in her internal affairs there was no alternative except that of remaining in Mexico and restoring order or retiring in chagrin and humiliation, leaving chaos and murder and bloodshed to follow in the wake of our entrance into Mexico. It has happened.

It is clear, sir, that when we once went into Mexico and placed our hand upon that "plow" we never could look back. It was clear that if we took that bold step only a Bismarck or some powerful and puissant man should from that hour guide the destiny of this Republic in its relations to Mexico. No backing and filling, no watchful waiting of the warring factions, no watchful consideration of those who have no regard for human life or for woman's honor would restore peace to Mexico.

When we had once crossed the border it required a man with an iron hand and an iron will to say to the Mexican people, "We are here to protect human life, to restore order, and we will not only remove Huerta, but we will insist that all the factions shall bring their fighting to a close."

When we retired, Mr. President, what was the result? What has been the result during the last 18 months? The President now says that we are to let Mexico alone. How unfortunate that that was not the policy from the beginning. I think if he had said in the beginning that we were to let Mexico alone, he would have been in an almost impregnable position. All that needed to have been added to that to make a perfect policy would have been that Mexico should respect the rights of American citizens and of foreigners living in that country. Let them settle their own form of government, let them elect whom they would, let them have a despotism or a republic, according as they lived up to the one or the other, and that we would recognize whatever form of government they established, always adding the proposition that whether it was one form of government or another the rights and the lives of American citizens should be protected thereunder.

I think I can no better state the position of the Members on this side of the Chamber in regard to our foreign relations with Central America than to quote the language of the distinguished Senator from New York [Mr. Root] at the time when, as Secretary of State, he visited the South American countries. It states it in a brief paragraph and states all there is to it:

We wished for no victories except those of peace; for no territory except our own; for no sovereignty except the sovereignty over ourselves. We deemed the independence and equal rights of the smallest and weakest member of the family of nations entitled to as much respect as those of the greatest empire. We neither claim nor desire any rights or privileges or powers that we do not freely concede to every American Republic.

Therefore, Mr. President, at the very threshold of the discussion of the Mexican question, let me state for myself—and I believe I state it for more than one Member upon this side of the Chamber—that our policy is based, first, upon the proposition that we want no territory from Mexico; we desire in no way to interfere with the autonomy of Mexico; we desire to interfere in no way with the governmental integrity of Mexico either territorially or as a governmental proposition. Furthermore, that the same doctrine extends to every Central American country; that it applies to the smallest as well as to the strongest of the Central American countries.

By way of digression, let me call your attention to the fact that while the President said at Indianapolis that he was in favor of all those countries working out their destiny, we have here now pending a treaty with one of the smallest and weakest of the Central American countries, a country unable to defend



itself, which has officers that we put into power by virtue of a vessel of war sailing into its port, a government which exists at this hour by virtue, and by virtue alone, of our marines, who are camped in the capital of that little country. We can not hold the good faith of the Mexican people nor retain the respect of the Central American people or those of the great South American Republics unless to our words we add our deeds and our acts.

To begin with, let it be understood that Mexico is not desired by the American people; let it be understood that we are to withdraw from all interference in the domestic concerns of all the countries in Central America, and that we will respect the integrity and autonomy of the weakest as well as of the strongest; that we will neither browbeat nor insult them because of their weakness, but that we will leave them, should we ever go there to protect our own citizens, with the same integrity of territory which we found in the beginning.

But we did go to Mexico, Mr. President. What did we go for? What were we at Vera Cruz about? What were the results of the expedition? The first result was that we killed 200 Mexicans; the second result was that we lost 19 of our own men. We were at war with Mexico. Had we killed one English subject or one German subject or one subject of France, there would have been no doubt about our being at war with that country. The only reason it did not take on all "the pomp and circumstance of glorious war" was the fact that the country with which we were at war was unable to respond against the powerful enemy who had entered its borders. Not only did we intervene when we declared against Huerta, but we were at war when blood was shed upon the soil of Vera Cruz. That was the first result.

The second result of our going there was the destruction of the only semblance of government which they had in Mexico.

The third thing which we did in connection with it is one which may have far-reaching consequences in the future, and that is, we notified foreign nations that they must keep hands off of Mexico, that they must not build up or give sustenance and support to Huerta or to any form of government. The result of it was that we assumed the responsibility morally, if not legally, for the injuries which flowed from that time on to those foreign powers or to their nationals by reason of the acts or of the conduct of the warring factions of Mexico.

Then we assumed further, Mr. President, at that time to reform the land laws of Mexico. So we did not let Mexico alone.

What is the situation in Mexico to-day? Mr. President, the situation in Mexico to-day is indescribable. We have no conception of it. I doubt if it would be possible to conceive a proper measurement of the condition of affairs in Mexico unless we were there, but we know that it is as bad as it could possibly be in a civilized or semicivilized community. We know that over 250 of our own citizens have from time to time been murdered; we know that countless others have been injured in different ways and have no apparent remedy or redress.

I want to call your attention to the condition as it is described by the newspapers during the last few days. The New York World, under date of December 29, 1914, says:

One hundred and fifty-five "executed" in Mexico City in four days.

On the 9th Thermidor when Robespierre fell from power in the French Revolution and 22 of his associates went with him to the guillotine, and within three days thereafter 82 more followed and were beheaded, that is supposed to be the peak of human atrocity in the history of the human race. It was only to be excelled upon the American Continent and in sight of the American flag, where 155 were executed in four days! The New York World of December 1, 1914, says:

The United States warns public that chaos again exists in Mexico.

The only correction that I would make in that statement would be to eliminate the word "again."

The New York Times of September 9, 1914, says:

Two uprisings now in Mexico. Ex-Huerta officer seizes trains for troops. Zapatistas cut capital's water supply. Report anarchy near by. Travelers reaching Vera Cruz say district outside Mexico City is being laid waste.

The New York Sun of November 9, 1914, says:

Three Americans tortured and shot by Mexicans. El Paso citizens are attacked at Chocolate Pass in Chihuahua and after a short defense they are overpowered. Fight until their ammunition gives out.

The New York World of December 19, 1914, says:

Reign of terror to rival France's feared in Mexico. "Existing order of things will be wiped out," high official of new régime tells the World, "and a new Mexico will rise from the ruins of a rotten age."

The Brooklyn Eagle of December 27, 1914, says:

PEOPLE STARVING IN MEXICO—HANNA, CONSUL GENERAL, SAYS THAT DISTRESS RIVALS THAT IN EUROPE—APPEALS TO RED CROSS—SECRETARY BRYAN SAYS UNITED STATES IS TRYING TO OBTAIN AMNESTY FOR POLITICAL OFFENDERS.

WASHINGTON, December 26.

Secretary Bryan said to-day that the United States Government was continuing its efforts with the Gutierrez Government to obtain a general amnesty for political offenders, both in and out of Mexico. He declared the question of recognition of the Gutierrez administration had not been considered, nor the amnesty had not been asked as prerequisite of recognition.

Much interest is being manifested by officials here in the safety of former Gov. Iturbide, who was permitted to leave Mexico City for the United States through the influence of the American Government. Gen. Palafox, a Zapata adherent and member of the Gutierrez cabinet, is quoted as saying that Iturbide would be arrested if caught before he reached the border. Should this occur, it is probable urgent representations in his behalf would be renewed.

The New York World of January 7, 1915, says:

WILSON'S MEXICAN POLICY IS SCORED BY SENATOR LODGE—"I FEAR IT IS TOO LATE NOW," THE SENATOR SAYS, "TO ADOPT ANY POLICY, UNLESS IT BE MILITARY OCCUPATION"—"THAT COUNTRY IS A CHAOS OF FIGHTING FACTIONS"—"ANARCHY IS A POLITE WORD TO APPLY"—AMERICAN FLAG NOT YET SALUTED.

[Special to The World.]

WASHINGTON, January 6.

"I fear it is too late now to adopt any policy, unless it be military occupation, which all of us would deplore," declared Senator LODGE in the Senate to-day while attacking President Wilson's course in dealing with Mexico.

"Look at that country to-day. It is a chaos of fighting factions—a prey of banditti. Predatory bands . . ."

The New York Sun of December 23, 1914, says:

Sacking of Mexico City described by eyewitness. Resident of capital, in letters to The Sun, says deserting Carranzistas looted homes during reign of terror. Mob held lawless sway till Zapata came.

The New York Sun of September 12, 1914, says:

Carranza is using iron hand in Mexico. Bottles up news and resorts to dictatorial methods of Huerta. Factional strife serious. Villa increases his military strength to have a show.

The New York World of January 3, 1915, says:

Oaxaca revolts under oppression; sides with Villa. Mexican State seizes Carranza's brother, disarms his forces, and offers its militia to the convention.

Mr. President, those extracts give an idea of conditions as they exist in Mexico and as they have continued to exist in Mexico since we entered Vera Cruz.

What is the policy in regard to that situation, Mr. President?

Do you suppose—

Says the President at Indianapolis—

Do you suppose that the American people are ever going to count a small amount of material benefit and advantage to people doing business in Mexico against the liberties and the permanent happiness of the Mexican people? Have not European nations taken as long as they wanted and split as much blood as they pleased in settling their affairs, and shall we deny that to Mexico because she is weak? No, I say.

When Barère stood up in the midst of the assembly of the French Revolution—a man whom Macaulay says tasted blood and felt no loathing; tasted it again, and liked it well—when he stood up in the midst of the French Assembly, he said, "The revolution of France will float into port upon seas of blood;" he then turned and said, "Those who distrust the course of the revolution will be treated as suspected men."

Mr. President, the Republicans upon this side of the Chamber have remained practically silent for two years. They have done so out of a desire to give the President of the United States the fullest opportunity to work out the destiny of those people if he could. I do not suppose there is a Member upon this side of the Chamber who has not received from different parts of the country during the last two years messages asking whether or not the Republicans had any views upon the terrible conditions in Mexico. The answer almost invariably went back, "We are willing to leave them to the man who is closest to the situation, in order that he may, if possible, work out his policies, in which we do not agree, but believing that there can be no better evidence of good faith upon our part than to let him try to work them out and remain silent; and we have done so."

Now, sir, when a condition of affairs exists in Mexico such as the civilized world has seldom witnessed and Republicans rise to express their views as to what shall be done, the answer which we get from the public rostrum of the country by the Chief Magistrate of the Nation is practically in the language of Barère that the revolution in Mexico shall be permitted to float in upon seas of blood and that the man who questions the course of revolution in Mexico is to be suspected before the American people!

Mr. President, speaking for myself, I am desirous of peace with Mexico; I want no war; and I know we shall never



take any part of the territory of that Republic; but above and beyond that, and more important, to my mind, is the fact that we should at least protect our own citizenship, securing our women against ravishment and our men from murder at the hands of those ferocious men who prey upon our nationals wherever they find them in their territory. There are some things which are dearer to me than peace. I do know this, Mr. President, that no nation ever retains respect among the other nations of the earth or long maintains the consideration of other powers that does not protect its citizens and the honor of its women and prevent them from being ravished and murdered even upon its very doorsteps.

Mr. ROBINSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Arkansas?

Mr. BORAH. I yield.

Mr. ROBINSON. I should like to ask the Senator from Idaho a question. He has been assailing the course taken by the Chief Executive in regard to affairs in Mexico. I should like the Senator to state to the Senate just what action he would take if charged with executive responsibility toward accomplishing the end which he says he desires.

Mr. BORAH. Mr. President, the Senator has asked a very difficult question in view of the present conditions in Mexico. It would have been, in my judgment, an easy question to answer at the time we first began to deal with this subject, more than a year ago. I do not know whether or not the honorable Senator has honored me with his attention during the entire time that I have been speaking, but I expressed what I thought was the proper course upon the 23d day of April, 1914. I will say, however, to the Senator that it seems to me we might very justly and very effectively exercise our right under international law and treaties at least to protect the lives and honor of our own citizens in Mexico.

Mr. ROBINSON. I should like to ask the Senator another question, with his permission.

The PRESIDING OFFICER. Does the Senator from Idaho yield further to the Senator from Arkansas?

Mr. BORAH. I yield.

Mr. ROBINSON. Of course, the Senator implies in that statement, although he does not directly assert it, that he would take into Mexico a sufficient armed force to accomplish that end.

Mr. BORAH. I have not got through yet.

Mr. ROBINSON. I am awaiting the Senator's further statement.

Mr. BORAH. I am glad the Senator is listening patiently. I said, Mr. President, that we might properly exert our power under international law and treaties to protect the rights of our own people in Mexico. I believe we could do it successfully. I feel sure we could have done so in the beginning.

Mr. ROBINSON. Will the Senator yield to me again for a brief statement and to ask a further question?

The PRESIDING OFFICER. Does the Senator from Idaho yield further to the Senator from Arkansas?

Mr. BORAH. I yield.

Mr. ROBINSON. Mr. President, the Senator says he is desirous of life being protected and property secured—and I do not take it that he implies that the President of the United States does not want that accomplished—if possible without intervention by armed forces; but the question I am directing to the Senator now is, If he were charged with executive responsibility, does he say or does he imply in his statement that it is the duty of the Executive to take the American Army into Mexico and to maintain by force of arms the position which he asserts?

Mr. BORAH. Mr. President, the Senator is very forgetful of the course of my argument. I said that the President had taken the Army into Mexico, and that that was the unfortunate condition which left us in a situation where the grave question now is whether we can ever restore peace without doing so by armed force.

Mr. ROBINSON. Mr. President, just a further inquiry.

The PRESIDING OFFICER. Does the Senator from Idaho yield further to the Senator from Arkansas?

Mr. BORAH. Yes.

Mr. ROBINSON. Of course this is a subject in discussing which no Senator, whatever his ambition or whatever his motive, would be influenced by any political consideration. This is a question which involves patriotic considerations that appeal to every American citizen, and I ask the Senator from Idaho this question: While he is attempting to castigate the highest officer of this Republic for a failure to discharge the responsible duties as to Mexican affairs devolving upon him as

President, will he tell us what he would do now if that burden fell upon him?

Mr. BORAH. Now, Mr. President, if the Senator will permit me to go along, if I shall not have covered that subject when I get through, I will feel that the intonations of the Senator's voice are justified.

Mr. ROBINSON. Mr. President, of course if the Senator does not desire to be interrupted I will not further interrupt him, but I do feel that it is proper to ask the question of one to whom these subjects are so clear and who has in his mind the deep conviction that our President is not discharging his duties. I conceive that he should tell us in a very brief way just what action he would take if he were President, or what action he will take when he gets to be President? [Laughter in the galleries.]

The PRESIDING OFFICER. There must be no manifestations of approval or disapproval by the occupants of the galleries.

Mr. BORAH. Mr. President, I was saying when again interrupted by the Senator before I had concluded what I had intended to say in answer to his question—and I do not object to interruptions; every Senator upon this floor knows that I never object to interruptions, but I had not finished the answer which I was undertaking to make to the Senator when I was interrupted again. I have said that, in my judgment, if we should exert such influence as we had under international law and treaties, we could protect the lives of our citizens in Mexico and do so without going to Mexico at all with an army. I believe that could have been done in the first instance; I am not so sure but that it can be done yet, but I believe it possible. I do believe, beyond all question, that if we should have exerted the same influence morally and otherwise against the other factions in Mexico that we have exerted against Huerta we would have restored peace in Mexico; but when we exerted that influence against Huerta and did not exert the same influence against the other warring factions, we left Mexico without any semblance of government, and invited every other aspirant in Mexico to put himself at the head of an army for the purpose of becoming its leader.

Mr. President, I do not pretend to say that that would be at all an efficacious course now, although I do believe that if our influence were properly exerted and Carranza and Villa were given to understand, as Huerta was given to understand, how we feel in regard to them, it would be likely that a better condition of affairs would be brought about.

But I was going to say to the Senator—and in saying this I represent my individual views alone—that, if I were in a position to do so, I would say to the Mexican people in no uncertain sound, "We want you to settle your own internal affairs; we do not want to interfere with your domestic concerns; you shall have the kind of government you like and the kind of ruler you like; we hope that you will work out finally a government such as our own, and we want you to understand that we will never interfere with the domestic concerns of your Government for the purpose of in any way acquiring territory or destroying the autonomy of your Government;" and, secondly, I would say, "You will from this hour respect the rights and the honor of American men and American women in your territory, or the United States will itself attend to the matter." I would build my policy around the protection, and the absolute protection, of our own citizens, and the whole world will respect us and honor us, and Mexico herself, in my judgment, when she finds we are in earnest, not to be trifled with, will respect our demand.

If it were necessary, sir, to again send a vessel of war to Vera Cruz, or 20,000 troops to the border, I would send them with this message: "We are now here not to acquire Mexican territory or to destroy the Mexican Government, but to see that wherever upon the face of God's footstool an American citizen is found, whether the Government be weak or strong, he shall be protected." Do you think that the warring factions of Mexico would not heed such a statement?

A gentleman from Mexico told me—and I have no doubt he told the truth, because he professed to be an eyewitness—that at a time when American citizens were being attacked by a faction in Mexico it appeared there was in the crowd a German citizen, and when it was made known he was told to step aside; and his life was respected and protected, while the American citizens were assaulted and maltreated.

The President himself told us in his message which he read to us, that the citizens of no other nationalities are treated as our citizens are treated in Mexico. He says that he is uninformed as to any such treatment of the citizens of other nationalities as those of ours received. He tells us that in his



message, and why? Sir, because it is known or believed in Mexico that we will not protect the rights of our people and protect the honor of our women. The Mexican people believe that; and there is ample data at hand to show that they believe it, and thus it is that right here at home our citizens are treated as no other nationals are treated.

I was told by another citizen—and this man I know very well; a most respectable and reputable citizen in our part of the country, who witnessed it—that when an attack was being made upon certain American citizens the American flag was hauled down, dragged in the street, and spat upon, and they said to the Americans: "We have murdered your men; we have ravaged your women; we have insulted and spat upon your flag; tell us what we can do to make you Yankees fight, and we will do it."

Mr. President, the mistreatment of American citizens in Mexico is due to the fact that there has passed into the Mexican mind a firm belief that we will not protect our citizens; and I say, whatever criticism shall come to me from those who love peace more than they love honor, that the "flag which will not protect its protectors is a dirty rag that contaminates the air in which it floats." We can not have peace, we can not have honor unless we are prepared to protect our own citizens, and I believe, verily believe, that we may do so and still have no war with Mexico.

Mr. President, I should not have taken the time of the Senate to discuss these questions nor to give any consideration to the views of the President at Indianapolis had it not been for the fact that it seemed to me that it challenged the self-respect and the character of every man who assumed to be a spokesman or even a member of the rank and file of the Republican Party. I have spoken with no personal animosity for the President, and with a profound respect for the high office which he fills, but only and alone that the organization of which I count myself among the humblest of its members may not pass unchallenged this severe and unjust indictment.

#### DISTRICT OF COLUMBIA APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19422) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes.

The PRESIDING OFFICER. The Secretary will state the next amendment of the committee.

Mr. SHEPPARD. Mr. President, I move the adoption of the motion which comes over from yesterday and which was reported by the Committee on Rules.

The PRESIDING OFFICER. The Secretary will read the report.

The SECRETARY. The Senator from Texas asks the adoption of the following report:

Mr. OVERMAN, from the Committee on Rules, submitted the following report:

In accordance with the notice given in writing on January 11 by the junior Senator from Texas [Mr. SHEPPARD] that he would make a motion, in accordance with said notice, to suspend paragraph 3 of Rule XVI, for the purpose of moving a certain amendment to the bill (H. R. 19422) making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes, said motion having been referred by the Senate to the Committee on Rules, and the committee, having considered the same, hereby make a favorable report and recommend that, for the purpose named and the consideration of the amendment proposed by the Senator from Texas, and all amendments thereto, paragraph 3 of Rule XVI be suspended.

Mr. SMOOT. Mr. President, may I ask what has become of the unfinished business?

The PRESIDING OFFICER. The unfinished business is now before the Senate. This amendment is to the bill which is the unfinished business.

Mr. SMOOT. What amendment, Mr. President?

Mr. SMITH of Maryland. Mr. President, I understand that the unfinished business is the District of Columbia appropriation bill.

Mr. SMOOT. I asked, before the Senator made that statement, what amendment was pending before the Senate.

The VICE PRESIDENT. The amendment on page 59, the Secretary says.

The SECRETARY. The Senate passed over the amendment at the bottom of page 59.

The VICE PRESIDENT. The Senator from Texas, as the Chair understands, moves to proceed to the consideration of the report of the Committee on Rules. Is that correct—that the Senator from Texas moves to proceed to the consideration of the report of the Committee on Rules?

Mr. SHEPPARD. Yes; for the purpose of presenting my amendment to the unfinished business.

Mr. SMOOT. Mr. President, I wish to learn what the parliamentary situation is. The Senator from Texas made no motion at all, but sent to the desk a certain order, as I remember from reading it, and I desire to know just exactly what position we are in at this time. The chairman of the Committee on Rules reported yesterday upon the suspension of the rules as provided by the resolution of the Senator from Texas, and that report went to the calendar.

The VICE PRESIDENT. It went over.

Mr. GALLINGER. It went over for the day.

Mr. SMOOT. It seems to me that the only way for the Senator from Texas to do is to move to consider that report at this time, to take it up for consideration.

The VICE PRESIDENT. That is what the Chair understood he was moving.

Mr. SHEPPARD. That was my motion.

Mr. SMOOT. I did not hear the Senator make that motion.

The VICE PRESIDENT. The Chair on yesterday, not having remembered section 2 of Rule XXVI, which provides that—

All reports of committees and motions to discharge a committee from the consideration of the subject, and all subjects from which a committee shall be discharged shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct—

Inadvertently, in the first instance, held that the report went to the calendar upon objection. The Chair was led into that error by clause 4 of Rule XIV, which applies simply to bills and joint resolutions and does not apply to a report of the Committee on Rules. The Chair, therefore, is of the opinion that the report of yesterday came over to be handed down to-day during the morning hour, but the morning hour was consumed in the consideration of a previous resolution coming over from a preceding day. Meantime the unfinished business was laid before the Senate; but the Chair has now no doubt that, in accordance with the rules of the Senate, the Senator from Texas has a perfect right to move to proceed to the consideration of the report of the Committee on Rules.

The question before the Senate is therefore, Will the Senate proceed to the consideration of the report of the Committee on Rules?

Mr. JAMES. On that I ask for the yeas and nays.

Mr. HITCHCOCK. Mr. President, what is this question? I desire to have the Chair restate the question.

The VICE PRESIDENT. The present question is, Will the Senate proceed to the consideration of the report of the Committee on Rules?

Mr. JAMES. Mr. President, does the Chair hold that this motion is in order after the hour of 2 o'clock has passed?

The VICE PRESIDENT. The Chair holds that at any time the Senate has a perfect right, upon motion, to take up any matter that is on the calendar.

Mr. SMOOT. The Chair is right.

The VICE PRESIDENT. It can take up anything it sees fit to take up.

Mr. STONE. Is that motion debatable?

The VICE PRESIDENT. Just one moment.

Mr. SHEPPARD. Mr. President, a parliamentary inquiry. Is this motion debatable?

Mr. JAMES. That inquiry has just been made.

The VICE PRESIDENT. In accordance with Rule IX it must be decided without debate.

Mr. HITCHCOCK. Mr. President, a parliamentary inquiry. If the Senate decides to take up the report of the Committee on Rules, will not that decision displace the unfinished business?

The VICE PRESIDENT. There is not any doubt about that.

Mr. SHEPPARD. I wish to add, however, that the consideration of the rule and this amendment will again bring the unfinished business before the Senate and make my amendment in order.

Mr. JAMES. I ask for the regular order.

The VICE PRESIDENT. The motion is not debatable. The yeas and nays have been called for. Is the request seconded?

The yeas and nays were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. JONES. I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Chamberlain	Fletcher	Jones
Bankhead	Chilton	Gallinger	Kenyon
Borah	Clapp	Goff	Kern
Brady	Clark, Wyo.	Gore	Lane
Bristow	Crawford	Gronna	Lea, Tenn.
Bryan	Culberson	Hardwick	Lee, Md.
Burleigh	Cummins	Hitchcock	McLean
Burton	Dillingham	Hughes	Martine, N. J.
Camden	du Pont	James	Myers



Nelson	Ransdell	Smith, Ga.	Tillman
Norris	Reed	Smith, Md.	Vardaman
O'Gorman	Robinson	Smoot	Weeks
Oliver	Saulsbury	Stephenson	White
Overman	Shafroth	Sterling	Williams
Page	Sheppard	Swanson	Works
Perkins	Sherman	Thomas	
Pittman	Shively	Thompson	
Pomerene	Simmons	Thornton	

The VICE PRESIDENT. Sixty-nine Senators have answered to the roll call. The Chair desires to withdraw the ruling just made, that this motion is not debatable. Upon an examination of Rule IX the Chair finds that it refers to motions made prior to 2 o'clock and not after 2 o'clock.

Mr. STONE. Mr. President, I have no wish nor intention to debate this matter at any length. I stand for the integrity of our proceedings here in the Senate. During the 12 years I have served in this body this is the first time a motion has been made to suspend the rules. The rules can be suspended by unanimous consent; there is no doubt about that, but it has not been the practice of the Senate to suspend the operation of its rules on motion.

If that practice is to be established in the Senate and become our rule of practice, then we had as well abolish our rules and be done with them, and thereafter conduct our business under general parliamentary law. We have no cloture in the Senate, no previous question. I know there are Senators who believe that we ought to adopt cloture as our practice, following the practice in the House of Representatives. I have never agreed to that, but, on the contrary, have stood and now stand in favor of preserving the right, so long exercised, of debating questions which arise here without any limitation by rule. The limitation upon debate in the Senate should be made otherwise when made at all and not by some arbitrary rule of practice.

Mr. President, here it is proposed to set aside the rules of the Senate, or such of them or such parts of them as are involved in this proceeding. If we can do that and begin that practice, where will it stop? Other bills can be disposed of, and will be, whenever you find a majority in favor of that course of action. The shipping bill now pending here, which is, in a general way, the unfinished business, or was until it was supplanted by this appropriation bill, can, if a majority so decrees, be taken up under a suspension of the rules and a time limit placed upon the consideration of the measure.

When we unsettle the very foundations upon which our methods of procedure rest, then, so far as rules are concerned, they become of practically no value; and a majority can suspend any part of a rule, or any rule, or the entire code of rules to any extent necessary to accomplish speedily a given end.

Senators, if you adopt this report you will set a precedent that will be invoked in future on many bills, and not one of us is wise enough to say to what limit a bare majority may go.

Mr. President, our rules were made years and years ago, and have been the basis upon which the government of our proceedings here has been founded. They were deliberated upon and adopted by the Senate and adhered to for years and years. Now, to meet a supposed exigency, to serve an immediate purpose, to load an appropriation bill with an important item of legislation without its ever having been considered in a committee, without its ever having been considered with that care and thoughtfulness and deliberation which a measure of this importance should have, it is proposed by this revolutionary method to set aside the rules of the Senate and throw that question in that way into this forum.

If this is done, no Senator who votes for it on either side of this Chamber need complain if advantage is taken of the precedent, as it will be, in other legislation, not only during this session of Congress but in future. It is safer and wiser, Mr. President, to adhere to the long-established and well-tried rules and methods of our procedure.

Having made this suggestion, which in itself, it seems to me, ought to settle the fate of this attempt to overthrow our rules, I do not care to go further with the argument. If you gentlemen who favor it are ready, I can get along with it as well as you can.

Mr. VARDAMAN. Mr. President, I think the answer to the Senator's objection is that the rules are the servants of the Senator rather than the Senator being the servant of the rules. There is nothing sacred in a mere rule, and I can not understand the harm in suspending a rule if by so doing the business of the Senate should be facilitated. I apprehend that it is not so much reverence for the antiquity of the rules as it is a desire to avoid meeting the issue which is going to be presented by the suspension of the rules.

So far as I am personally concerned I want the issue met. I want the Senate to vote squarely on the question of whether

or not the saloon shall continue its nefarious business in the District of Columbia. The Senate has a right to vote upon it. It is not in violation of any rule. It is in accordance with an ancient and very proper rule. I am willing and ready to meet the issue which will be presented by the resolution offered by the Senator from Texas.

Mr. SHEPPARD. Mr. President, it is bad enough for a Senator to criticize the rule of the majority, but when he criticizes the rule of the majority in the interest of the liquor traffic it becomes a humiliating spectacle, indeed. Jefferson said that the rule of the majority was the vital principle of republics. The Senator from Missouri seems to be shocked because a way has been found for a majority of the Senate to enact its opinion into law.

The universal indictment against the American Senate has been to the effect that the majority here has its hands tied and is unable to do business. There is nothing revolutionary about this proceeding. I have followed strictly one of the rules of this body, Rule XL, which provides that—

No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof.

Mr. President, this is not the first time Rule XL has been invoked. On March 2, 1861, when the Democrats were in control of the Senate, the same question was raised. The right of the Senate was sustained to suspend the rules by a majority vote.

One of the Senators in opposing the motion to suspend the rules used almost the exact language that has been employed by the Senator from Missouri here to-day. Mr. Hale said, after the motion had been read:

I do not wish to interpose any objection, but I want to maintain the rights of the minority of the Senate. It is the first time, I think, I ever knew a motion made here to suspend the rules.

The Senator from Missouri says he thinks this motion of mine is the first attempt; evidently it is not. Mr. Hale continued:

I do not know of any provision by which we may suspend the rules. Ordinarily, when we undertake to do anything contrary to the rules of the Senate, it is done by unanimous consent. We have by resolution suspended the joint rules, but the rules of the Senate are imperative; and there is no provision in our rules, as there is in the rules of the House of Representatives, by which they may be suspended.

After a long debate it was decided by a majority of the Senate that the rules might be suspended in this way. The very rules the Senator from Missouri eulogized so enthusiastically have been followed in this case, and strictly followed. The motion was presented in writing, laid over a day, and then by a vote of the Senate it was referred to the Committee on Rules, one of the greatest committees of the Senate, a committee that numbers in its membership some of the most prominent and gifted Members of this body. That committee, by a majority vote, has reported to the Senate that the motion should be adopted, and I have no fear, therefore, Mr. President, of the result.

Before I take my seat I wish to refer to the Senator's statement that this bill has been pending before no committee. A bill for prohibition in the District of Columbia was introduced by the Senator from Kansas [Mr. THOMPSON] December 10, 1914, and the Senator from California [Mr. WORKS] introduced a similar bill June 24, 1914. For months and months a proposition of this kind has been pending before one of the committees of the Senate, and the emergency here to-day might easily have been avoided by the action of the committee on one of these bills.

Mr. HITCHCOCK. Mr. President, the Senator from Texas [Mr. SHEPPARD] cites the precedent of 1861, and I think it is a precedent which should be adopted by the Senate at this time; that is, I think the Senate ought to decide now whether in the future it proposes to have this rule or whether it proposes to abolish it. It certainly is not right for the Senate to have a rule prohibiting legislation upon an appropriation bill binding upon the minority and not binding upon the majority.

The Senate deals with 12 or 14 appropriation bills every year, and it is a rule of the Senate, as it is a rule of the House of Representatives, that legislation shall not be engrafted upon an appropriation bill. When the Senator from Texas stigmatizes the Senate as a body which does not recognize the rule of the majority, he should include the House of Representatives in the same category, because the House of Representatives is more a stickler for the rule that legislation shall not be engrafted upon an appropriation bill than is the Senate.

The Senator knows that this very bill when in the House could not have been amended as he now proposes to amend it in the Senate. We have, as I said, some 12 or 14 appropriation bills that come to the Senate every year. The question is,



Do we propose to do our legislating upon those appropriation bills, or do we propose to keep them clean, clear-cut bills of appropriation? It certainly would not be right to maintain this rule and occasionally vacate it for the purpose of doing the will of a temporary majority, because rules are not only intended for the government of the majority but for the protection of the minority as well.

The very rule that we shall not ingraft legislation upon an appropriation bill is to restrain a majority, because a minority could not do it. Now it is proposed by a mere majority to relieve the majority of the restraints which the rules have put upon it.

I think, Mr. President, that the motion is in order. I think it is perfectly proper to move to suspend the rules, but I think also that the suspension of the rules should be in accordance with parliamentary precedent by a two-thirds vote and only by a two-thirds vote. I shall ask the Chair, and I do ask the Chair now, to pass upon the question or to submit it to the Senate, that a two-thirds majority shall be held necessary to suspend the rule. Now is the time for the Senate to decide whether it is going to enforce its rules or not. If it is not going to enforce this rule prohibiting legislation upon an appropriation bill, it ought to repeal the rule.

Mr. SHEPPARD. I wish to call the attention of the Senator to the fact that in the House this very amendment could have been put on an appropriation bill by a report from the Committee on Rules through the vote of a bare majority.

Mr. HITCHCOCK. It is true that the Committee on Rules in the House has that power, but no Committee on Rules of the Senate has had it or will claim it. That is not the question before the Senate. The question is what the Senate is going to decide now. Is it going to permit legislation on these 14 appropriation bills as they come to the Senate at any time without any limit in accordance with the rule of the temporary majority?

Mr. SHEPPARD. That is not the issue at all.

Mr. HITCHCOCK. I say it is the issue, because if you do it in this case you can not refuse to do it in the other cases.

Mr. SHEPPARD. That is a different proposition.

Mr. HITCHCOCK. You would have to permit the majority to decide at any time whether to legislate upon an appropriation bill. You can not make fish of one and fowl of the other.

Mr. JAMES. In the House of Representatives if a motion is made to suspend the rules it requires a two-thirds vote to adopt it.

Mr. HITCHCOCK. Certainly; that is the rule in the House.

Mr. SHEPPARD. Is there any rule requiring a two-thirds vote to suspend in the Senate?

Mr. JAMES. It is the rule required in the House, and parliamentary law requires it in the Senate.

The VICE PRESIDENT. The Chair is of the opinion that the point of order is prematurely taken. The present question is, Will the Senate proceed to the consideration of the report of the committee? After that question has been determined and the report of the committee is before the Senate the Chair will make some observations on the point of order, but not now. The yeas and nays have been ordered on the motion to adopt the report.

Mr. GALLINGER. Mr. President, before the vote is taken I want to interrogate the Senator from Texas on one point. If the motion which the Senator from Texas has made prevails, I will ask the Senator if it is then his purpose to offer the amendment to the bill?

Mr. SHEPPARD. It is.

Mr. GALLINGER. Immediately?

Mr. SHEPPARD. It is.

Mr. GALLINGER. For that reason I shall vote against the motion made by the Senator from Texas. The Senate by unanimous consent has agreed that the committee amendments shall first be considered. If the Senator intends to withhold his amendment and before the bill is concluded offer his amendment, I will take a different view.

Mr. SHEPPARD. Mr. President, that is a mere matter of procedure. I understood the Senator to ask me if it was my intention to offer the amendment before the reading of the bill had been concluded.

Mr. GALLINGER. No; I meant to ask the Senator if he intended to offer it immediately. The Senator does not so intend?

Mr. SHEPPARD. I shall offer it after the committee amendments have been considered.

Mr. THORNTON. Mr. President, understanding that the pending question is simply whether the Senate shall proceed to the consideration of the report of the Committee on Rules, I wish to say that I shall vote in favor of that motion, because

I am willing that the Senate shall consider it. It will not be supposed, however, that because I vote in favor of the measure now, therefore I am in favor of the adoption of the report of the Committee on Rules, to which I am opposed, for reasons which I shall give later.

Mr. SMOOT. Mr. President, I think that the Senator from Texas is very unfortunate indeed in trying to suspend the rules for legislation upon an appropriation bill. I call attention of the Senate to paragraph 3 of Rule XVI, which says:

3. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate; and any amendment to a general appropriation bill may be laid on the table without prejudice to the bill.

Mr. President, that paragraph of Rule XVI was adopted for the very purpose of facilitating the passage of appropriation bills. If the rules could be suspended by a majority vote of the Senate and legislation allowed upon appropriation bills, a majority within a week or two before the close of a short session of Congress could add any sort of legislation on an appropriation bill or defeat the passage of the appropriation bill.

Mr. VARDAMAN. Mr. President, may I ask the Senator from Utah if it is not a fact that there is hardly a bill brought before the Senate in which legislation, necessary legislation, is not engrafted by the Senate?

Mr. SMOOT. It is always by unanimous consent. An objection by one Senator would eliminate it from the bill. No one is objecting to legislation of that kind.

Mr. VARDAMAN. That is very true.

Mr. SMOOT. But that is not involved in the question pending.

Mr. VARDAMAN. Certainly by unanimous consent there would be no objection, but the mistake the Senator from Texas is making is quite as great if the majority consented as it would be if the whole Senate agreed to it. The moral notion of the act is not affected by the number of Senators who approve or disapprove it.

Mr. SMOOT. No; under the rules there is no question but that by unanimous consent we may put legislation upon appropriation bills.

Mr. VARDAMAN. Is not a Senator permitted under the rules to move to suspend the rules in the form the Senator from Texas has proposed?

Mr. SMOOT. Certainly, and I say that the Senator from Texas is well within his right. He had a perfect right to make the motion he did make, but I say it is unfortunate that it should be on an appropriation bill, because of the fact that it is establishing a bad precedent, and we do not know where it will lead to. It may be done at a time when there will be a greater issue involved than the one at present presented. The result perhaps may be that the appropriation bills in a short session would fail utterly. That could be easily accomplished if this is made the practice of the Senate. If I were interested in legislation that was vital to my State, I would not care how important it may be to me or to my people, I never would undertake under the rules of this body to place it upon an appropriation bill by moving a suspension of the rules of this body.

Mr. VARDAMAN. The Senator would not hesitate to do that if he thought it necessary legislation?

Mr. SMOOT. I simply say that there are other ways not only in the House but in the Senate of reaching that end and reaching it in the regular procedure of the Senate and of the House. As far as I am concerned, if this question came up in any other way I would be willing to vote for it; I would not hesitate a minute to vote for it, but, Mr. President, if I vote for this motion I would be estopped forever afterwards from complaining on the part of any other Senator doing the same thing, no matter whether the object sought was good or bad.

It seems to me that we are establishing a precedent here that is very, very dangerous indeed, and it is for that reason, and that only, that I shall vote against the motion of the Senator from Texas.

Mr. LODGE. Mr. President, I have just come into the Chamber. May I ask what the precise question is now?

The VICE PRESIDENT. The question is, Will the Senate proceed to the consideration of the report of the Committee on Rules?

Mr. LODGE. The question of consideration is raised?

The VICE PRESIDENT. The question of consideration.

Mr. LODGE. Of course if that carries the report will be open for debate?



The VICE PRESIDENT. It will be. The yeas and nays have been called for.

The yeas and nays were ordered.

Mr. THOMAS. Mr. President, I want to take this occasion to say that the method of legislation in operation here—and which is perfectly legal—which enables us to include many subjects in the same measure, without regard to the title of the bill, is fundamentally wrong. I think I am within bounds when I assert that fully 50 per cent of the objectionable legislation of Congress is in the form of riders or amendments that are not germane to the subject matter of the title of the bills to which they are attached. This is a great abuse of legislation. Much obnoxious legislation has been made possible through this agency. I believe that we should limit as far as possible the practice of placing upon bills, and particularly upon appropriation bills, matters which are extraneous or foreign to their subject matter and which should be considered and stand or fall upon their own merits. I recall in 1898, if my memory serves me rightly, an addition to the general appropriation bill relating to homesteads and other filings upon lands embraced within the area of the grant to the Northern Pacific Railroad, simple and apparently harmless, the hidden purpose of which could not well be foreseen or suspected, but under which hundreds of thousands of acres of the best of the public domain were gathered into the ownership of that great corporation, a measure which is yet in force and which, standing upon its merits, never could have received, in my judgment, the approval of Congress.

Now, of course, in referring to that incident as an illustration I do not want to be understood as even indirectly intimating the presence of such an element in the proposed amendment of the Senator from Texas; but without reference to its merits, instead of encouraging we should limit the practice of interjecting into measures before the Senate subjects by way of riders and amendments which are entirely foreign to their purpose and their titles, which ought to be considered fully and stand or fall upon their own merits.

Our procedure is quite analogous to the institution in the courts of an action to collect a promissory note and ending in a decree of divorce.

We can not predict what will be the outcome of any bill under our system after it has been reported from the committee until it gets through the conference and then comes up for final determination. In almost every instance the bill, if it is at all important, is reported back and passes, if at all, with a great many subjects attached to it, of which its author never dreamed, which would not receive the approval of a majority of the Senate if they were considered upon their own merits as distinct subjects of legislation.

I shall vote against the suspension of this rule for the reasons stated.

Mr. O'GORMAN. Mr. President, I believe that the proceeding now contemplated by the motion of the Senator from Texas is destructive of all orderly legislative procedure. If a measure is of importance it should receive in ordinary course the attention of a committee of this body. It is designed by the means now attempted to ask the Senate to vote upon a measure of vital importance without having the information which usually accompanies consideration by a Senate committee.

I say, the plan now contemplated is revolutionary and destructive of parliamentary procedure. A day or two since while considering a supply bill, a proposal ordinarily out of order was made by the attempt to ingraft upon a supply bill legislation of the first importance.

Mr. SHEPPARD. May I ask the Senator a question?

Mr. O'GORMAN. With pleasure.

Mr. SHEPPARD. Why has not the Senator moved to repeal Rule XL if he thinks this procedure is so dangerous? We are proceeding under the rules of the Senate. One rule is just as good as another.

Mr. O'GORMAN. I believe in the wisdom of the Members of this body who adopted Rule XL and all other rules which, tested by experience, have been helpful in bringing about proper and wise legislation. This immediate proposal was sent to the Rules Committee for consideration, and with a notice of perhaps less than one hour that committee was convened and asked to pass upon the propriety of recommending to the Senate the consideration of the amendment advocated by the Senator from Texas. Of that committee, although the report does not disclose the fact, three members opposed the report which had been submitted and is now before the body. The junior Senator from Indiana [Mr. KERN], the senior Senator from Minnesota [Mr. NELSON], and myself registered our opposition

to this report, and we reserved the right to continue our opposition to it on the floor of the Senate.

For these reasons, briefly stated, I am opposed to the favorable consideration of the report submitted by the majority of the committee.

Mr. CUMMINS. Mr. President, it seems to me that we are confusing two perfectly distinct propositions. The question now is not whether the rule shall be suspended, but whether the Senate shall consider the motion of the Senator from Texas to suspend the rules.

The Senator from Texas had a right to make the motion under the rules of the Senate. It was the duty of the Senate to consider that motion under the rules of the Senate. It was sought to refer the motion to the Committee on Rules. I voted for that motion because I thought it was the orderly course of procedure. But if I had believed that there would have been any disposition on the part of the Senate to refuse to consider the report of the Committee on Rules, my vote would have been cast against the reference to the Committee on Rules. I think it is a question of high privilege upon the part of the Senator from Texas. If we refuse to take up the report of the Committee on Rules, the Senator from Texas is denied an absolute right which he has under the rules of the Senate, namely, the right of moving to suspend a particular rule upon giving a specified notice.

When we have taken up the report of the Committee on Rules, which does present the merit of the motion made by the Senator from Texas, then the consideration suggested by the Senator from Colorado [Mr. THOMAS] and the Senator from New York [Mr. O'GORMAN] will be pertinent; but it seems to me that we ought not to hesitate a single moment about our vote to take up the report and thus give to the Senator from Texas the unquestioned right, which he has, during the course of the debate upon the District bill, to move to suspend the rule which relates to that consideration.

The VICE PRESIDENT. The question is, Will the Senate proceed to the consideration of the report of the Committee on Rules? The yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL]. In his absence I withhold my vote. If I had the right to vote, I would vote "yea."

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN]. Not knowing how he would vote on this question, I withhold my vote.

Mr. NELSON (when his name was called). I have a general pair with the senior Senator from Virginia [Mr. MARTIN] and withhold my vote.

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from South Carolina [Mr. SMITH] and vote "nay."

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the senior Senator from Nevada [Mr. NEWLANDS] and vote "nay."

Mr. SUTHERLAND (when his name was called). I inquire whether the Senator from Arkansas [Mr. CLARKE] has voted.

The VICE PRESIDENT. He has not.

Mr. SUTHERLAND. I have a pair with that Senator, and on that account I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE]. Being unable to secure a transfer, I withhold my vote. If I were at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. GRONNA. I desire to announce that my colleague [Mr. McCUMBER] is unavoidably absent and is paired with the junior Senator from Kentucky [Mr. CAMDEN]. If my colleague were present, he would vote "yea" on this question.

Mr. CAMDEN. I am paired with the senior Senator from North Dakota [Mr. McCUMBER]. I transfer that pair to the senior Senator from Illinois [Mr. LEWIS], and I vote "nay."

Mr. OWEN. I transfer my pair with the Senator from New Mexico [Mr. CATRON] to the Senator from Virginia [Mr. MARTIN] and vote "yea."

Mr. WALSH. I announce my pair with the Senator from Rhode Island [Mr. LIPPITT], and in his absence I refrain from voting.

Mr. OWEN (after having voted in the affirmative). I find that the Senator from Virginia [Mr. MARTIN] is paired, and therefore I withdraw my vote.



Mr. GALLINGER. I was requested to announce the following pairs:

The Senator from Connecticut [Mr. BRANDEGEE] with the Senator from Arizona [Mr. SMITH];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from Rhode Island [Mr. LIPPITT] with the Senator from Montana [Mr. WALSH].

The result was announced—yeas 49, nays 23, as follows:

## YEAS—49.

Ashurst	Gallinger	Overman	Smith, Md.
Borah	Gore	Page	Sterling
Brady	Gronna	Perkins	Swanson
Bristow	Hollis	Pittman	Thompson
Bryan	Jones	Polindexter	Thornton
Burleigh	Kenyon	Pomerene	Tillman
Chamberlain	La Follette	Ransdell	Townsend
Clapp	Lane	Root	Vardaman
Clark, Wyo.	Lea, Tenn.	Shafroth	White
Crawford	Lee, Md.	Sheppard	Works
Cummins	Lodge	Sherman	
Dillingham	Myers	Simmons	
du Pont	Norris	Smith, Ga.	

## NAYS—23.

Bankhead	Hitchcock	Martine, N. J.	Shively
Burton	Hughes	O'Gorman	Smoot
Camden	James	Oliver	Stephenson
Culberson	Johnson	Reed	Thomas
Goff	Kern	Robinson	Weeks
Hardwick	McLean	Saulsbury	

## NOT VOTING—24.

Brandegge	Fletcher	Newlands	Smith, S. C.
Catron	Lewis	Owen	Stone
Chilton	Lippitt	Penrose	Sutherland
Clarke, Ark.	McCumber	Shields	Walsh
Colt	Martin, Va.	Smith, Ariz.	Warren
Fall	Nelson	Smith, Mich.	Williams

So Mr. SHEPPARD's motion was agreed to, and the Senate proceeded to the consideration of the report.

Mr. SHEPPARD. I move the adoption of the report, Mr. President.

Mr. HITCHCOCK. Mr. President—

The VICE PRESIDENT. The Senator from Texas moves the adoption of the report of the Committee on Rules. The Senator from Nebraska raises the point of order that a two-thirds majority shall be held necessary to suspend the rules.

The Constitution of the United States provides that "each House may determine the rules of its proceedings." The Senate has assumed the right to be a self-governing body, and under this clause of the Constitution has made its own rules, and has so sedulously guarded its prerogatives that it has even reserved the right to appeal from the decision of the presiding officer; it pays no attention to anything that the presiding officer says or to any opinion he has if it does not happen to coincide with the view of the Senate.

The present presiding officer believes that the Senate has reserved to itself the exclusive right to say what its rules are, how they may be adopted, and how they may be abrogated or temporarily laid aside. The present presiding officer does not believe that it is within the province of the present occupant of the chair to determine whether Rule XL should be strictly construed in accordance with the literal language thereof, or whether the Senate of the United States proposes to construe the same in accordance with well-known parliamentary procedure. The Chair therefore submits to the Senate the determination of the question as to whether or not it requires a two-thirds majority to adopt the report of the Committee on Rules providing for a suspension of a certain rule.

Mr. HITCHCOCK. Mr. President, on that I ask for a yeas-and-nay vote.

Mr. SHEPPARD. Mr. President, I merely wish to say that if the Senate should decide that it requires a two-thirds vote to put Rule XL in operation, it would write something into the rule that is not there. It would write language into the rule that does not belong there. Wherever our rules require a two-thirds vote, they specify that fact. For instance, Rule X provides:

Any subject may, by a vote of two-thirds of the Senators present, be made a special order.

Treaties to be ratified require a two-thirds vote, and it is so specified in the rule relating to them. There is no requirement mentioned in this rule for a two-thirds vote or a three-fourths vote or a unanimous vote. The logical inference, therefore, is that the rule may be put into operation by a majority vote. The rule reads, in part, as follows:

No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof.

When a similar question was before the Senate in 1861 a majority of the Senate suspended the rules. It seems clear to

me that the intention of this rule is to give a majority of the Senate an opportunity to assert itself. It gives us an opportunity to answer a very just criticism that has been going the rounds to the effect that the Senate is a body where the will of the majority is stifled, where it rests within the power of a few Senators indefinitely to obstruct its proceedings.

I take it that one of the most solemn issues we have ever faced is involved here, an issue entirely outside the question involved in the amendment which I have introduced. The question is, Shall the Senate to-day vote to construe this rule in such a way that the majority may not exercise its will?

Mr. O'GORMAN. May I ask the Senator from Texas a question?

Mr. SHEPPARD. Certainly.

Mr. O'GORMAN. The Senator from Texas refers to the precedent of 1861, when it was determined that a majority vote was all that was necessary to suspend a rule. I desire to ask the Senator whether at that time the claim was made that it required a two-thirds vote?

Mr. SHEPPARD. That particular question was not raised. The question raised was as to the power of the Senate by a majority vote to suspend the rules. It was so clear that a majority could suspend them that nobody thought of raising the question as to two-thirds.

The VICE PRESIDENT. The Senator from Nebraska [Mr. HITCHCOCK] requests the yeas and nays. Is the request seconded?

Mr. LODGE. Mr. President, the rule which it is proposed to suspend contains no provision as to the majority requisite for its suspension. On the face of it it might be inferred that that meant that it could be done by a vote of a bare majority.

I think in this connection it is well to consider the practice of the Senate and just what this action would mean. It is always a risk to speak from memory, but in the nearly 22 years that I have had the honor to serve in the Senate I have never seen an attempt made to suspend the rules for any purpose, and especially not for the purpose of putting what is known as a rider, general legislation, and out of order under our rules, upon an appropriation bill. Therefore, Mr. President, I think that it is only reasonable to consider what I believe to be the universal practice in parliamentary bodies in regard to changes in the rules.

So far as my knowledge extends, in all parliamentary bodies of which I know anything, a vote larger than a majority is required to suspend the rules. In my own State, in the legislature, it requires a two-thirds vote, and after a certain date in the session on the question of suspending the rule against the introduction of new business it requires a four-fifths vote. In the House of Representatives two-thirds is established by their rules as necessary to suspend the rules, and, if I am not mistaken, that is the rule of the Democratic national convention. That general practice, of course, rests upon a sound basis.

Mr. JAMES. I will state to the Senator from Massachusetts that it is true, as he has stated, that the two-thirds rule, to which he has referred, is the rule of Democratic national conventions. That question was brought to issue in the last national Democratic convention held at Baltimore, when Mr. Bryan proposed his famous Belmont resolution. It was there held, and never denied, that it required a two-thirds vote to suspend the rules.

Mr. SWANSON. If the Senator will permit me, the national Democratic convention adopted the rules of the House of Representatives to govern its procedure; and the rules of the House of Representatives require a two-thirds vote. It was not a declaration that it was general parliamentary law.

Mr. JAMES. Nobody has disputed that. I merely stated what occurred.

Mr. SWANSON. The Senator has stated what occurred, but it occurred because the rules of the House of Representatives had been adopted as the rules of procedure for the national Democratic convention. That is a rule which is specific, and not general parliamentary law.

Mr. LODGE. Mr. President, it matters not how the rule was adopted; it remains the fact that the Democratic national convention adopted the rules of the House of Representatives, and that rule among the others; and the Republican national convention adopted the rules of the House of Representatives, and that rule among the others.

Mr. JAMES. I should like to say to the Senator from Massachusetts that the rules adopted by the Democratic national convention were the rules of the Democratic Congress, which was the first one that had assembled in 20 years.

Mr. LODGE. That is simply an illustration of the general practice to which I have referred; and the ground on which



that general practice rests is the sound ground that if the rules are to be suspended by a majority vote there are no rules. The suspension of the rules must have a greater sanction than an ordinary matter.

Mr. President, in my judgment the question of suspending a rule by a majority of votes is infinitely more important than the question subsequently involved. If we pull down our rules in this way, and particularly if we allow the rules to be suspended for the purpose of permitting Senators to attach general legislation of any sort or kind to appropriation bills, the appropriation bills will find great difficulty in becoming laws even in the longest session we can hold.

I need not enter on the essential viciousness, as it has always been held, of placing general legislation on appropriation bills except in cases of emergency. Here it is proposed to take down the entire protection surrounding appropriation bills and to throw them open to the action of a majority. A decision that the rules can be suspended by a majority would, in my opinion, destroy the force of every rule governing our procedure.

It seems to me that it is within the power of the Senate, as the Chair has so well said, to settle this question for itself, and to settle it now. It is not so much a question of whether by technical argument we can bring a decision by a bare majority within the letter of the rule as it is a question of whether the Senate means to make a radical change in its whole method of conducting legislation. Therefore, Mr. President, I sincerely trust that the Senate will protect itself and protect its rules by requiring a two-thirds vote to suspend the rules on the first occasion, so far as I know, when an effort has been made to suspend them by the vote of a bare majority.

Mr. SWANSON. Mr. President, the question before the Senate is a very important one. It is as to whether or not a majority of the Senate can control its procedure.

Under general parliamentary law the majority has the right to control the deliberations of all legislative bodies, except in so far as that majority may be restricted by specific rules. We have as much right to determine that three-fifths or four-fifths or nine-tenths shall be required to modify or suspend a rule as to determine that it requires two-thirds to suspend a rule.

Mr. JAMES. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Kentucky?

Mr. SWANSON. I do.

Mr. JAMES. What would the Senator have said if he had been a Member of the Senate back in the days of the force bill if such an amendment as that had been offered as a rider to an appropriation bill?

Mr. SWANSON. That presents entirely another question.

Mr. JAMES. Oh, certainly.

Mr. SWANSON. When the question of consideration comes up the matter can be debated until the 4th of March, under the rules of the Senate, if a Member of that body cares to take the responsibility of such action. If it should be determined that a two-thirds vote is required to modify or change a rule, a week from now or two weeks from now a majority of the Senate may desire to change the rule in order to secure the enactment of some other legislation; but it would be met by the action which some Senators desire to take and could not enact the legislation unless it had the support of a two-thirds vote.

Mr. JAMES. Mr. President, the Senator has dodged my question. The question I asked was, Would he have voted at that time that a majority of the Senate could have tied the force bill onto an appropriation bill necessary to run the affairs of this Government?

Mr. SWANSON. If I had voted as I believe the rules were, I would have voted then as I shall vote now, for I am going to vote according to the rules. I do not think I have a conscience as pliable as the Senator from Kentucky seems to suggest, which would prompt me to vote according to whether I favored or disfavored the particular measure involved.

Mr. JAMES. I would not suggest that a Senator who takes an oath to support the Constitution and the rules of this body has a conscience pliable enough to vote one way on one issue at one time and another way on the same issue at a different time.

Mr. SWANSON. The suggestion of the Senator could have no other interpretation except that upon the force bill I would vote differently on the question of the rules from what I would now.

Mr. JAMES. But still I have not heard the Senator answer the question how he would have voted. If the issue had been raised of tying the force bill onto an appropriation bill necessary to run the affairs of this Government, would he have voted

that a majority of this body, which was then Republican, had the right to tie that vicious measure onto that legislation?

Mr. SWANSON. I would have voted as I am going to vote now, that a majority of the Senate has a right to change its rules.

Mr. JAMES. That still does not answer the question. [Laughter.]

Mr. SWANSON. At that time I might have sought delay; I might have been inclined to vote against anything that would defeat the force bill or against anything that might aid the force bill; but the question before us now, as the Senator from Massachusetts has suggested, with nothing of that character involved, with no politics in it, with no sectionalism in it, is whether a majority of the Senate can change its rules. What is the general parliamentary law on the subject?

Mr. VARDAMAN. Mr. President—

Mr. SWANSON. I will yield to the Senator a little later. The general parliamentary law is that a majority has a right to change and fix its rules, except so far as that majority may have bound itself by specific rule designed to take care of the minority. I can not find anywhere that, in the absence of a specific rule or statute, there is anything to control the majority of any legislative body.

In the House of Representatives a two-thirds vote is required to suspend the rules. Why is that? It is not because of general parliamentary law, not because of custom, but by a specific rule of the House itself, which requires a two-thirds majority to suspend its rules and pass a bill.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield?

Mr. SWANSON. I yield first to the Senator from Mississippi, who sought to interrupt me a moment ago.

Mr. VARDAMAN. I was just going to suggest that the measure proposed by the Senator from Texas [Mr. SHEPPARD] is almost as meritorious as the force bill was infamous, and it would be a very severe test of the Senator's loyalty to duty to vote for any measure, however meritorious it might be within itself, which would have promoted the passage of the force bill or to vote against a measure, however bad within itself, which would result in the adoption of the amendment offered by the Senator from Texas.

Mr. SWANSON. Mr. President, I say in accordance with its procedure the Senate has repeatedly modified its rules simply by a majority vote. We have modified rule after rule by a majority vote.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from New Hampshire?

Mr. SWANSON. I yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, the Senator from Virginia probably has not forgotten the fact that a statute written by the senior Senator from South Carolina [Mr. TILMAN] establishing a vagrancy law in the District of Columbia was attached to the District of Columbia appropriation bill after a point of order had been submitted to the Senate. The Senator probably remembers the fact also that the present statute relating to the sale of liquor in the District of Columbia was by a majority vote put on the District of Columbia appropriation bill after a point of order on it had been submitted to the Senate. I think I am correct in saying that the same procedure took place in reference to the public-utilities law, which is now on the statute books. So that we have, as the Senator says, frequently, by a majority vote practically, set aside the rule which says that there shall not be attached to an appropriation bill an amendment containing general legislation.

Mr. SWANSON. Now, Mr. President, if I may be permitted to proceed, under general parliamentary law—and I have been able to find no authority in opposition to this contention—a majority of any legislative body controls its proceedings, except so far as its own rules may restrict that majority rule.

Mr. HARDWICK. Mr. President, if I may interrupt the Senator, is it not a fact that general parliamentary law and practice in this country, and in England as well, are precisely to the contrary? Does not the legislature of the Senator's own State have a rule that a two-thirds vote is necessary to suspend the rules?

Mr. SWANSON. Yes; but that is under a specific rule requiring a two-thirds vote, showing that general parliamentary law is otherwise. There would be no necessity for a specific rule requiring a two-thirds vote to suspend the rules unless under general parliamentary law the rules could be suspended by a majority vote.



Mr. SHEPPARD. Mr. President, if the Senator will allow me, I wish to remind him that under the practice in the House of Representatives when the Committee on Rules brings in a rule providing that a rider may be attached to an appropriation bill, in effect suspending the rules of that body, it does not require a two-thirds vote to adopt the rule brought in, but only a majority vote. The Post Office appropriation bill, which has recently come over from the House, has 10 or 12 provisions of general law which were added to it by a majority vote on a report from the Committee on Rules.

Mr. SWANSON. Mr. President, I take it that there is no law better established in connection with parliamentary procedure than that the majority rules, except in so far as they are restrained by constitutions, statutes, or specific rules. The rules of the Senate in regard to unanimous-consent agreements were changed by a majority by adopting a new rule requiring that the roll should be called to demonstrate the presence of a quorum when a request was made for unanimous consent to fix the time for a final vote on the passage of a bill or resolution.

Since I have been here the custom of the Senate has been to change or alter the rules of the Senate simply by a majority vote, and I have not been able to find anything in parliamentary law, except where there is a specific rule to that effect, which restrains the right of the majority.

As a general thing, rules are adopted to protect the minority, and it is always specifically indicated when they are designed to nullify or restrict the power of the majority.

I think the Senate would make a serious mistake and would establish a precedent that would bother it in the future, and would be far-reaching in controlling its deliberations, if it should decide that its rules can only be modified or suspended or changed by a two-thirds vote.

Mr. HARDWICK. Mr. President, Rule XL of the Senate provides that any of the rules of the Senate may be suspended after giving one day's notice if a motion therefor receives a majority of the votes in this Chamber. The rule itself, Mr. President, does not say what number of votes are requisite to carry the motion to suspend the rules provided for in the rule referred to.

The Senator from Virginia [Mr. SWANSON] insists that under general parliamentary law, in the absence of a specific provision to the contrary, a majority vote is all that is necessary in order to carry a suspension of the rules. Mr. President, I have some authorities to submit to the Senate that the very reverse of that proposition is true; that in the absence of specific provision in the rules themselves on this subject the common parliamentary law and practice of the country would prevail; and I propose to submit some authorities—some very respectable authorities, I think—who hold that the common and ordinary parliamentary practice in this country is to the effect that ordinarily and generally a motion to suspend the rules in any legislative body must be affirmatively supported by two-thirds of the votes cast on that question before it shall prevail. I quote first from the Manual of General Parliamentary Law, written by Mr. Speaker Reed:

#### SUSPENSION OF RULES.

Unless the rules themselves provide for their own suspension, they can be suspended by unanimous consent only. It is usual to provide that under certain circumstances and at certain times two-thirds may suspend the rules.

Speaker Reed did not here refer to the rules of the House of Representatives, because the succeeding section of his work, which is a general work on American parliamentary law, refers especially to the suspension of the rules of the House of Representatives. Further, I read from section 57 of Mr. Reed's Manual of General Parliamentary Law as follows:

#### GENERAL PARLIAMENTARY LAW.

It is usual to say that general parliamentary law is derived from the practice of the British Parliament as modified by the parliamentary customs of this country; but the difference between the system in use here and the English system is so great and so radical that it would perhaps be more accurate to say that American general parliamentary law, while it acknowledges its English origin, rests upon the practice of American assemblies.

If that be sound, I want to appeal to the Senate, and to every Member of it, that each Senator refer to his own knowledge of what the American practice is on this question throughout this Republic. The general practice in all legislative and parliamentary bodies with which I am acquainted or about which I have any information is that a motion to suspend temporarily one or more of the rules of that body requires more than a majority. It requires a two-thirds majority in every case that I know. The practice of the legislatures of the different States, the political conventions of the different parties—in fact, all parliamentary practice with which I am acquainted—is to that effect; and there is sound reason for it.

Mr. SWANSON. Mr. President, if the Senator will permit me, my contention is that anything this body is authorized to do under its rules a majority is authorized to do, unless there is a rule which requires more than a majority. If the Senate is authorized to change its rules, as it is under that rule, then a majority is all that is required to do it, unless there is something in the rule requiring more than a majority.

Mr. HARDWICK. I understand the Senator's contention; but, on the contrary, the contention I present is that while Rule XL itself provides for a suspension of the rules when notice in writing has been given, yet the rule itself is silent as to how much vote is required in order for the motion to suspend to prevail; and in the absence of a specific declaration in the rules themselves, following the general and almost universal American practice, two-thirds is required.

Mr. OVERMAN. Mr. President, does the Senator draw a distinction between changing a rule and suspending a rule?

Mr. HARDWICK. Undoubtedly I draw such a distinction. It was drawn 53 years ago on this floor by a great Senator from a great State. The Senator who drew it then said that while a majority ought to be allowed to change its rules, if they were to be changed permanently—and that was fair enough, because everybody had to live up to it, minority and majority as well—once the rules were established, they ought not to be changed temporarily, on impulse, unless two-thirds of the Members were willing to make that special change.

Mr. OVERMAN. I agree with the Senator that that is a distinction.

Mr. SMOOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. HARDWICK. I yield to the Senator from Utah.

Mr. SMOOT. In that connection, I should like to suggest to the Senator from Georgia that if it were otherwise one rule could be suspended to-day, another rule could be suspended to-morrow, and the minority of this body would be perfectly helpless.

Mr. OVERMAN. Of course the majority can change a rule, but the question of suspending a rule for a particular purpose is another thing.

Mr. HARDWICK. That is an entirely separate thing. There is an element of unfairness, Senators, in making a rule that is supposed to apply to us all, and to both sides, that a majority can change or alter at its whim. It is not fair to either side, and it is not fair to any Member on either side, to do any such thing as that.

Let us have our general rules, and, if they are not fair, let a majority vote, of course, alter them. Then we will all know that we must live up to them. But when you want to suspend all those general rules just for a temporary purpose, for one occasion, it ought, in all American fairness to a minority, to take more than a simple majority of the body to do it.

I have other authority, too, on that proposition. I read next from one of the best known writers on parliamentary law, Robert:

It is necessary for every assembly, if discussion is allowed, to have rules to prevent its time being wasted and to enable it to accomplish the object for which the assembly was organized, and yet at times their best interests are subserved by suspending their rules temporarily.

He is stating American general parliamentary law and American general parliamentary practice.

In order to do this some one makes a motion "to suspend the rules that interfere with," etc., stating the object of the suspension. If this motion is carried by a two-thirds vote, then the particular thing for which the rules were suspended can be done.

Why, there is not a Senator within the sound of my voice on either side of this Chamber who will dare controvert the proposition that almost the universal practice throughout this country, in all American parliamentary and legislative bodies, is that no temporary suspension of the rules shall take place except by a two-thirds vote of the body.

Mr. GALLINGER. Mr. President, will the Senator permit me?

Mr. HARDWICK. With pleasure.

Mr. GALLINGER. It is the almost universal practice to have the previous question in parliamentary bodies, but we have not it in the Senate.

Mr. HARDWICK. Ah, but, if the Senator from New Hampshire will permit me, there is nothing in this rule that inhibits the operation of general American parliamentary law. If Rule XL of the Senate had said that this could be done by a majority vote, then the general parliamentary practice and the general parliamentary law of this country would make no difference. Of course we could make a rule providing that it could be carried by a simple majority; but the point is, we have not done it.



Senators, I do not know that I want to prolong this debate. I do not know that I can add to it. It seems to me that it is manifestly unfair, under a general rule like this, to change temporarily, for one purpose, on one occasion, by a simple majority vote, rules that we have said were fair for us all on all occasions. If that can be done in this way, then I venture the prediction, although I am loath to do it, that there is hardly a rule in our Manual that is sacred. There is hardly a rule in it that in any moment of heat and passion can not be altered, amended, or thrown away.

Senators here of old standing and of long and honorable careers on this floor talk about a cloture rule. Why can we not establish that by a majority vote if we can suspend all rules or any part of the rules by a majority vote? What is the protection for the minority if Senators are to be allowed, by a simple majority vote, to suspend a rule that it ought to require a two-thirds vote to suspend on any one particular occasion?

Reference has been made to the special rules in the House of Representatives, and an effort has been made to analogize this proceeding to that proceeding. It is an entirely different, separate, and distinct case. No resolution about this matter, in point of fact, under correct parliamentary law, has ever been referred by this body to the Committee on Rules. The Senator from Texas, following the exact language of Rule XL, merely gave notice that at a certain time, after 24 hours should have elapsed, he proposed to make a motion to offer this amendment as an amendment to the appropriation bill. He did not offer a written resolution at all, but in some way the question was referred to the Committee on Rules, and the Committee on Rules reported it back. This is not a special rule made for this particular case; but even assuming that the committee, of course, has acted strictly within its rights and in accordance with the instructions of the Senate, this is, after all, a mere report on a proposition to act under a general rule of the Senate. It seems to me that it would virtually abrogate every rule we have, or render it possible for a majority to abrogate just for the moment, and for a single purpose, any and every rule the Senate has on its books.

The Senator from Texas also said, if I understood him correctly, that when this question was up in 1861 the question as to whether the Senate could adopt this sort of a proposition by a majority vote, or whether it required more than a majority vote, was not raised by anyone.

Mr. SHEPPARD. No; I said the particular question of two-thirds was not raised. The right of a majority to change it was invoked and was sustained.

Mr. HARDWICK. But if the Senator from Texas will examine the RECORD, as he probably has, he will find that Senator Hale argued one side of this question, insisting then, just as some of us are insisting now, that although a majority might have the right to change a rule permanently, a simple majority ought not to have the right temporarily and whimsically to lay that rule aside when they were unwilling to change it permanently. The Senator to whom I have referred mentioned the fact that the House of Representatives required a two-thirds vote to accomplish that very thing, and he contended then and there that more than a simple majority vote was necessary for the Senate to do that.

Mr. SHEPPARD. And the Senate overruled him.

Mr. HARDWICK. I understand; and not in 53 years has an attempt been made to follow so outrageous a precedent. It is the only precedent on record in the history of the Senate. I challenge the Senator to name any other instance. It is such a bad precedent that for 53 years we have ignored it, and almost everybody had forgotten it. I think it is time now that the Senate should make the true and correct and just precedent on this question.

Mr. SHEPPARD. There was no danger in it if it was not followed for 53 years.

Mr. HARDWICK. The Senator is furnishing the danger now. That is the point.

Mr. SHEPPARD. If 53 years elapse after to-day before it is again invoked, there will not be any particular danger in this.

Mr. HARDWICK. No; and if we fix this right we will not hear of this sort of thing, if the Senator will pardon me, for 53 years more.

Mr. SHEPPARD. Mr. President, I dislike to trespass so much upon the attention of the Senate, but I wish to direct particular attention to the fact that the House of Representatives, in passing on the question discussed by the Senator from Georgia, did not follow the rule he laid down. Section 47 of Rule XI of the House of Representatives says:

All proposed action touching the rules, joint rules, and order of business shall be referred to the Committee on Rules.

There is no provision there as to what vote is required to adopt a report of the Committee on Rules.

Mr. HARDWICK. Mr. President, will the Senator yield to me there?

Mr. SHEPPARD. Yes.

Mr. HARDWICK. Does not the Senator know that a motion can be made there from the floor that is not referred to any committee on certain days, at certain times, to suspend the rules and pass a bill or resolution, and that it takes a two-thirds vote to carry through such a motion? In other words, the general motion to suspend the rules there requires a two-thirds vote to carry it.

Mr. SHEPPARD. Exactly; but I am not referring to that proposition. I am referring now to the point made by the Senator that, under the practice in American parliamentary bodies, where no specified vote was required to change the rules it would take two-thirds to change them. That was his proposition.

Mr. HARDWICK. It is yet.

Mr. SHEPPARD. This question came up in the House of Representatives. There was nothing specific in the rules of the House as to whether a majority vote or a two-thirds vote was necessary to adopt a report of the Committee on Rules suspending the rules of the House of Representatives. I now cite the instance in which this very question was raised in the House of Representatives:

On April 29, 1902, Mr. John Dalzell, of Pennsylvania, from the Committee on Rules, reported a resolution providing a special order for the consideration of the bill "to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings," etc. Mr. Thomas J. Creamer, of New York, made the point of order that the resolution suspended a rule of the House—

Mr. HARDWICK. Mr. President, will the Senator yield?

Mr. SHEPPARD. Will the Senator allow me to conclude?

Mr. HARDWICK. Certainly I will.

Mr. SHEPPARD (reading):

Mr. Thomas J. Creamer, of New York, made the point of order that the resolution suspended a rule of the House, and therefore that it would require a two-thirds vote for its adoption.

Now the Senator from Georgia would have us believe that the House of Representatives ought to have refused to sustain the report of the Committee on Rules by a mere majority vote.

The Speaker said:

"The question has been fought out again and again, and is well settled, that the Committee on Rules can bring in a rule providing for order of business in the House. \* \* \* There have been many decisions that a rule from the Committee on Rules which fixes the order of business with the approval of the House does not require a two-thirds vote."

That has been the unquestioned practice ever since. So the House of Representatives did not follow the practice described by the Senator from Georgia.

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Mississippi?

Mr. SHEPPARD. I do.

Mr. WILLIAMS. Before the Senator takes his seat I should like to state that the Committee on Rules suspended the rules on me five times in one day in order that they might accomplish a particular result.

Mr. SHEPPARD. By a majority vote?

Mr. WILLIAMS. Yes, sir; by a majority vote each time.

Mr. HARDWICK. If the Senator will yield to me for a moment, the Senator has put up a man of straw to knock down that I did not put up myself at all. I said from the beginning that under the practice and under the rules there, by special rule reported from the Committee on Rules, the House of Representatives did change the rules or suspend them by a simple majority vote—

Mr. SHEPPARD. But there was no special rule for a majority vote in the House.

Mr. HARDWICK. But that under the general rules of the House providing for suspension under motion made upon the floor, as the Senator from Texas wants to do here, the rule has been invariably that a two-thirds majority was required.

Mr. SHEPPARD. My motion was referred to the Committee on Rules. We are now discussing the report of the Committee on Rules on my motion. It is not analogous at all to a motion made on the floor of the House to suspend the rules.

Mr. SWANSON. Mr. President, if the Senator from Georgia will permit me, he misstates, as I understand, the rules of the House. When I served in that body the rules provided that on a certain day in the week, or five days before adjournment—

Mr. HARDWICK. That is what I said.

Mr. SWANSON. Under a special rule, a motion should be in order to suspend the rules and pass a bill, which requires a two-thirds vote, by a specific rule of the House.

Mr. HARDWICK. Undoubtedly.



Mr. SWANSON. It never has been contended in that body that the general parliamentary law required anything more than a majority to pass anything that that body was able to pass.

Mr. HARDWICK. If the Senator will pardon me for just a moment, what I contended—and the Senator has not been able to controvert it, and he can not—is that it is the general parliamentary practice all over this Republic, in his State and in mine and in every other State.

Mr. SWANSON. I say it is not the general parliamentary practice. I say it is the practice by a specific rule everywhere it is invoked, not by general parliamentary law. It is the custom of those bodies, and when they want to have that custom they invoke the rule to do it.

Mr. CLARK of Wyoming. Mr. President, one matter has come out in the course of the debate to which, reluctantly, owing to the source from which it comes, I am unable to give my assent.

The Senator from New Hampshire [Mr. GALLINGER] cited various instances where the Senate itself has done the very thing that is sought to be done here. He cited, I think, some matters in connection with this same bill in prior years, where we put on this bill, by this process, amendments in regard to a revenue system for the District of Columbia, and so forth. But there is this distinction: This is a proposition to suspend a rule of the Senate. That question did not come up in the cases cited by the Senator from New Hampshire. In each and every case cited by the Senator from New Hampshire the Senate voted that the provision was not obnoxious to the rule of the Senate, but that it was in order under the rule. So, instead of suspending the rule, the Senate voted that they were enforcing the rule.

Mr. TOWNSEND. Mr. President, to me this raises a very important point. As I understand it now, the proponents of this amendment claim that a Senator can propose to amend or suspend this rule; that a majority can suspend it, and that majority, therefore, can keep the matter from going to the committee, and the majority, therefore, can write it into the statutes. If that is correct, I can see some hope for the volunteer officers' retirement bill. [Laughter.] If I am correct in my position, I shall lose no time in preparing a notice to put that on the next bill which comes before the Senate.

Mr. NORRIS. Why not this one?

Mr. TOWNSEND. I will offer it here, to give the day's notice, though we may not have an opportunity to exercise it. I will offer it.

Mr. OWEN. Mr. President, I call the attention of the Senate to the practice of the Senate itself in regard to the majority making and amending and modifying the rules:

On the 11th day of January, 1884, the Senate of the United States adopted by majority vote the body of rules under which we now act, to become effective January 21, 1884, on a report from the Committee on Rules, William P. Frye, chairman, John Sherman, John J. Ingalls, Isham G. Harris, and George J. Pendleton being the committee.

Recently, by majority vote, the Senate has made various amendments to these rules.

On January 16, 1914, by a majority vote, the rules were amended so as to put under Rule XII a third section, as follows:

No request by a Senator for unanimous consent for the taking of a final vote on a specified date upon the passage of a bill or joint resolution shall be submitted to the Senate for agreement thereto until, upon a roll call ordered for the purpose by the presiding officer, it shall be disclosed that a quorum of the Senate is present; and when a unanimous consent is thus given the same shall operate as the order of the Senate, but any unanimous consent may be revoked by another unanimous consent granted in the manner prescribed above upon one day's notice.

That was adopted by a majority vote.

On January 14, 1914, by a majority vote, the Senate amended Rule XIV, as follows:

After section 2 insert:

"Provided, That the first or second reading of each bill may be by title only unless the Senate in any case shall otherwise order."

Again, the Senate, by a majority vote, on January 14, 1914, made the following amendment to Rule XIX:

Add an additional section, to wit:

"Whenever confusion arises in the Chamber or the galleries or demonstrations of approval or disapproval are indulged in by the occupants of the galleries, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator."

That was adopted by a majority vote.

Again, on the 2d day of March, 1914, an amendment was made in the rule fixing the standing committees—Rule XXV—so that the Committee on Naval Affairs should consist of 16 instead of 15 Senators. That was adopted by a majority vote.

On the 12th of April, 1912, another amendment was made to that rule, as follows:

*Resolved*, That the several standing committees of the Senate having a membership of more than three Senators are hereby respectively authorized to fix, each for itself, the number of its members who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee; but in no case shall a committee, acting under authority of this resolution, fix as a quorum thereof any number less than one-third of its entire membership—

Mr. SHIVELY. Mr. President, will the Senator yield at that point?

Mr. OWEN. If the Senator will permit me to finish this sentence, I shall be glad to yield:

Nor shall any report be made to the Senate that is not authorized by the concurrence of more than one-half of a majority of such entire membership.

This amendment to the rules was adopted by majority vote. I now yield to the Senator from Indiana.

Mr. SHIVELY. I understand that it is pretty generally admitted here that a majority of the Senate can amend the Senate rules. I refer to a permanent amendment of the rules; not a suspension of the rules. Has the Senator a precedent there where it involves simply a suspension of the rules? I ask because it is very important.

Mr. OWEN. I have not concluded my remarks. If the Senator will permit me—

Mr. SHIVELY. The Senator was quoting precedents, and I just wanted to know how that was.

Mr. OWEN. The Senator is interrupting me while I am quoting one set of precedents, and I am not desirous of being diverted to another question.

Mr. SHIVELY. Very well.

Mr. OWEN. In the case of Rule XXXIV the Senate again, by a majority vote, on March 9, 1914, amended the first section of that rule by adding the following words:

No smoking shall be permitted at any time on the floor of the Senate or lighted cigars be brought into the Chamber.

That was done by a majority vote of the Senate.

Rule XL simply provides that—

No motion to suspend, modify, or amend any rule or any part thereof shall be in order except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof.

It is not denied that the Senator from Texas conformed literally to this rule—that he did give the notice, that it has been printed, that it has been before the Senate the time required by Rule XL. Now the question comes up and the argument is made that there is a vast difference between a permanent amendment of a rule and an amendment in the way of a suspension for the day, leaving the general rule to stand thereafter. The effect of a suspension in an individual instance is merely a temporary amendment of a permanent rule, instantly reestablishing the rule thereafter. There is no material difference in principle between an amendment and a suspension, except that an amendment may be a permanent suspension of a preexisting rule. If we may amend by majority rule, surely we can suspend by majority rule, as the greater power includes the lesser power.

Mr. WILLIAMS. The rule itself uses the word "suspend."

Mr. OWEN. The rule uses the word "suspend" in connection with the other provision for modifying or amending any rule, so that the amendment and suspension are exactly upon the same basis under Rule XL.

It has been the practice of the Senate to govern itself by the majority rule. When it desires to change from that rule, as in a special order, the Senate has adopted a rule providing that it takes two-thirds to fix a special order. It has also provided, in pursuance of the Constitution, that it takes two-thirds to adopt a treaty; but even in that respect the Senate has adopted a rule that in considering a treaty an amendment to the treaty can be adopted by a majority of the Senate, although the treaty itself, under the Constitution, must be adopted by a two-thirds rule.

Mr. President, I think it is a matter of vital consequence to the United States that the Senate of the United States shall be permitted to conduct its affairs by a majority rule. We have in this Chamber a system against which I have long protested, the rule of the majority by the minority, under the endless-debate system. Right now this body is in the throes of an endless-debate proposition being brought up by indirection, so as to avoid the responsibility of a filibuster, when in point of fact we have a filibuster on this floor. The reason why, as chairman of the Committee on Banking and Currency, I have not brought in a rural credit bill is because of the filibuster now being conducted on this floor under the color of great and particular pains being taken with regard to everything which arises or can be made to arise for discussion. It ought not to deceive the



country. It did not deceive my committee; and my committee has not taken action in reporting that bill because we know that the time is going to be consumed by the minority opposing the program of the majority.

When the Republicans come into power in this country I want them to rule the Senate, and I would vote for a majority rule if they were now in control. I think it is of vital interest to this country that the Senate should have majority rule; and I think, moreover, we should have a cloture rule that will make an end to the waste of the time of the Senate and put an end to the control of the majority by the minority through the exercise by the minority of the so-called "unlimited debate," which gives a substantial veto to the minority.

Mr. ROOT. Mr. President, I should be sorry to postpone further the report of the rural-credits bill, but I think I am justified in calling the attention of the Senate to the observations of a great political leader and statesman whom some of our Members are too apt to forget. I will take the liberty of reading to the Senate the first section of Jefferson's Manual. I am going to read it because it seems quite clear that the question which is now to be presented is not a question as to what the rule of the Senate shall be, but it is a question whether the Senate shall be bound by its rule.

We all agree that the rule which prohibits general legislation upon an appropriation bill is a wise and salutary rule. We would none of us be willing to withdraw the protection of that rule from the public business. We intend to continue that rule and to insist upon its application in all matters in which we do not individually wish to violate it, and the question now before the Senate is whether whenever a majority of us wish to violate it it shall be held for naught. Mr. Jefferson says:

Mr. Onslow, the ablest among the speakers of the House of Commons, used to say it was a maxim he had often heard when he was a young man, from old and experienced members, that nothing tended more to throw power into the hands of administration and those who acted with the majority of the House of Commons than a neglect of or departure from the rules of proceeding; that these forms as instituted by our ancestors operated as a check and control on the actions of the majority, and that they were in many instances a shelter and protection to the minority against the attempts of power.

So far—

Says Mr. Jefferson—

So far the maxim is certainly true, and is founded in good sense; that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and are become the law of the House, by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check and which the wantonness of power—

Says Mr. Jefferson—

is but too often apt to suggest to large and successful majorities.

And whether these forms be in all cases the most rational or not is really not of so great importance. It is much more material, that there should be a rule to go by, than what that rule is; that there may be a uniformity of proceeding in business not subject to the caprice of the Speaker or capriciousness of the Members. It is very material that order, decency, and regularity be preserved in a dignified public body.

Mr. President, it is not because the party to which I belong is in the minority; it is because I know that the swing of the pendulum to and fro will some time or other, sooner or later, bring that party again into a majority. I hope when that time comes it may be preserved from the temptation to the arbitrary and unjust use of power.

The protection of the minority to-day is the protection of the other side to-morrow. The rules which saved my friends upon the other side of the aisle from the enactment of the force bill are invoked to-day for the protection of the minority upon the other side of the aisle. Above the minority and above the majority is the orderly restrained exercise of the power of Government in such a way as to protect all rights and to save men who have the power for the moment from the temptations that accompany power.

Mr. SMITH of Georgia. Mr. President, to say the least, the rule is not clear. It may be that it contemplates a suspension by a majority; it may be that it contemplates a suspension by a two-thirds vote. It is undoubtedly true that the practice in deliberative bodies throughout the United States is to require a two-thirds vote to suspend the rules.

I feel that at least I am at liberty in helping to determine this question to exercise my judgment as to what I think the rule of suspension should be. To permit a bare majority on 24 hours' notice to suspend the rules of the Senate is practically to wipe out the restraint of the rules against the changing wishes of a majority. I believe that many of the rules of the Senate are essential, not alone to the protection of the minority, but to the protection of the majority against sudden impulse; and certainly, as the Senator from Florida [Mr. BRYAN] sug-

gests to me, to the protection of the Treasury from the sudden impulse of the majority. The rule with regard to the limitation of amendments on appropriation bills is essential to the protection of the Treasury.

I expect to vote with the Senator from Texas when the time comes, if I have an opportunity, for prohibition in the District of Columbia, and I shall be glad to vote with him, but, Mr. President, it will not do to permit our intense desire to accomplish a particular piece of legislation to lead us into establishing rules of procedure which, helping a particular piece of legislation that we wish, may bring upon the country much legislation which we oppose.

On yesterday, thinking this subject over, I prepared a notice of an amendment to the rules requiring a two-thirds vote to suspend the rules, but on reflecting I concluded that as the rule stood when the question arose we should determine that a two-thirds vote is necessary to suspend the rules. Therefore I did not give notice of the motion.

I shall vote, Mr. President, to sustain the view that it requires a two-thirds vote to suspend the rules, and I earnestly hope that the Senate will so vote and fix that as the mode of procedure of the Senate.

Mr. VARDAMAN. Mr. President, I shall vote as I think every other Senator will vote—to abide by the laws or the rules of the Senate as they are written. To my mind there is no question but that a majority vote of this body is all that is required for the adoption of the report. If the Senate votes that it requires two-thirds to suspend this rule, in my judgment it will by that vote write a new rule rather than interpret the rule now in existence. To avoid the issue presented, a most extraordinary, revolutionary proceeding is proposed.

Mr. OWEN. Mr. President, I call the attention of the Senator from New York that he did not complete his quotation from Jefferson's Manual. If he will observe on page 134—

Mr. ROOT. I read the entire section.

Mr. OWEN. If the Senator will observe on page 134 of Jefferson's Manual, he will find the following words:

The voice of the majority decides; for the *lex majoris partis* is the law of all councils, elections, etc., where not otherwise expressly provided.

The Senator from New York says that the question is not what the rule shall be, but shall we observe it as it is. My answer is that we shall observe the rule as it is, and that is the rule of the majority. I insist on the obvious truth being recognized that the rule is that the majority shall have the right to determine the action of this body under our usual practice and under the general parliamentary rule in Jefferson's Manual; that is, the majority shall rule. Under Rule XL an express method is provided, in an orderly, peaceful, quiet fashion, for an amendment or modification or a suspension of the existing rules. In this case we are peculiarly driven to relying upon the appropriation bill, for the reason that, on account of the many things which pass through the Senate and the House of Representatives, there is very great difficulty of obtaining general legislation. Since Congress acts as the legislature of the District of Columbia, it is not unreasonable to ask that this item of legislation may be placed upon the appropriation bill dealing with this District.

Nor is this question a new and sudden question, moving the Senate by a burst of passion or excitement. The question of prohibition has been debated in this Republic for 100 years. If the Members of this body are ever capable of arriving at a decision on this question, they are able to do so now. They need no further debate as to what attitude they may take with regard to the question.

Mr. ROOT. Mr. President, the Senator from Oklahoma observed that I did not finish my quotation from Jefferson's Manual. I read the entire first section of the Manual under the heading "Importance of adhering to rules."

Mr. OWEN. If the Senator will permit me—

Mr. ROOT. Excuse me until I finish my sentence. I did not read the whole Manual. The Senator from Oklahoma would have thought that I was endeavoring to delay the rural-credits bill if I had done so. He would have charged me with that crime. I did not read the whole Manual, and therefore I did not read the sentence 64 pages further on in the Manual which he has excerpted from its context, and which lays down the new and startling proposition that the voice of the majority decides in an ordinary vote.

Mr. OWEN. The Senator from New York in reading the first section read into the RECORD what he intended as an argument against the majority rule and failed to cite four lines which expressly negative his argument against the majority rule. Jefferson favored the majority rule and not the minority rule, and the excerpt which the Senator from New York read



does not commit Jefferson to hostility to majority rule. It was merely a comment on the wisdom of observing existing rules, as urged by Hatsell in his *Precedents on Practice of the British Parliament under King George, in 1785*.

Against this ancient suggestion I call attention to the Senate's practice in recent years, which conforms to the common sense of the American people who believe in the majority rule.

The VICE PRESIDENT. The Senator from Nebraska has called for the yeas and nays. Is the request seconded?

The yeas and nays were ordered.

Mr. SHIVELY. What I am about to read has been referred to this afternoon and partially quoted to the Senate. Before this vote is taken I invite particular attention to it. The Senate rules do not prescribe the vote that shall be necessary to suspend a rule of the Senate. The rules of the Senate being silent in this respect, recourse is had to general parliamentary law as the only means of determining the question. I now read from Robert's Rules of Order, at page 188, under the subhead "Suspension of the rules," as follows:

It is necessary for every assembly, if discussion is allowed, to have rules to prevent its time being wasted, and to enable it to accomplish the object for which the assembly was organized; and yet at times their best interests are subserved by suspending their rules temporarily. In order to do this some one makes a motion "to suspend the rules that interfere with," etc., stating the object of the suspension. If this motion is carried by a two-thirds vote, then the particular thing for which the rules were suspended can be done. By "general consent"—that is, if no one objects—the rules relating to the transaction of business can at any time be ignored without the formality of a motion.

It is not my purpose to argue the question. This quotation is from that portion of Robert's Rules of Order devoted exclusively to the rules of general parliamentary procedure. According to this authority it is manifest that, in the absence of an express provision in the Senate rules prescribing otherwise, there are only two ways in which a rule of the Senate can be suspended. One is by a two-thirds vote of the Senate. The other is by unanimous consent.

Mr. WALSH. Mr. President, for the further enlightenment of the Senate I want to call attention to what is said on this subject by Cushing in his compendious work on the Law of Legislative Assemblies. I read from section 794:

But though it is essential to regularity of proceeding that a legislative assembly should possess rules and orders for its government, and that every member should have the right to insist upon their observance, yet a member may waive his right, and the assembly itself, on a proper occasion, may dispense with its own rules. Hence it is an established practice in all our legislative assemblies to do any matter or to take any course of proceeding which is contrary to the rules, provided it is done by general consent; that is, no member interposing an objection. Hence, also, it is an established practice, whether an individual objection is properly interposed or not, for the assembly itself, on a motion and vote to that effect, to dispense with any one or all of its rules on some particular occasion. The assembly may in this way dispense with its unwritten as well as its written rules, and unless otherwise required in the rules themselves the dispensing may take place by the ordinary major vote.

Likewise, I read section 1490 and a part of section 1491:

1490. When a given subject is allowed to be introduced under a suspension of the rules for the purpose, and it is introduced accordingly, such suspension is an authority to do, in the accustomed methods of proceeding, whatever may properly relate to that subject. Thus, if authority is given under a suspension of the rules to introduce a resolution on a particular subject, which is introduced and received accordingly, it may not only be introduced but considered and finished.

1491. This motion, unless it is otherwise provided in the rules themselves, is decided by the ordinary major vote.

I call the attention of the Senate to these provisions because it seems to be acknowledged upon all hands that where the matter is not provided for specifically by the rules, the rule is to be construed in the light of the established parliamentary law.

The VICE PRESIDENT. The yeas and nays have been called for and the demand seconded. The question is, Is the point of order well taken that a two-thirds vote is necessary in order to suspend the rules? The Secretary will call the roll. The Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I have a pair with the Senator from Arizona [Mr. SMITH], but I feel at liberty to vote on this question. I therefore vote. I vote "yea."

Mr. CAMDEN (when his name was called). Again transferring my pair with the senior Senator from North Dakota [Mr. McCUMBER] to the senior Senator from Illinois [Mr. LEWIS], I desire to vote. I vote "yea."

Mr. FLETCHER (when his name was called). I make the same announcement as to my pair as before, and withhold my vote.

Mr. GRONNA (when Mr. McCUMBER's name was called). I desire to announce that my colleague [Mr. McCUMBER] is necessarily absent from the city. He is paired with the junior Senator from Kentucky [Mr. CAMDEN].

Mr. NELSON (when his name was called). I am paired with the senior Senator from Virginia [Mr. MARTIN] and withhold my vote on that account.

Mr. OWEN (when his name was called). I am paired. Otherwise I should vote "nay."

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. SAULSBURY (when his name was called). I transfer my pair as before and vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Arkansas [Mr. CLARKE], who is absent. I transfer that pair to the Senator from Arizona [Mr. SMITH]. I transfer it to that Senator because, evidently from the vote, this is not a political question. I vote "yea."

Mr. WALSH (when his name was called). I transfer my pair with the Senator from Rhode Island [Mr. LIPPITT] to the Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. In his absence and being unable to secure a transfer, I must withhold my vote. If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. GALLINGER. I am requested to announce that the Senator from New Mexico [Mr. CATRON], who is necessarily absent, is paired with the Senator from Oklahoma [Mr. OWEN].

Mr. CHILTON. I desire to announce my pair with the Senator from New Mexico [Mr. FALL], and I withhold my vote. If at liberty to vote, I should vote "nay."

The result was announced—yeas 41, nays 34, as follows:

#### YEAS—41.

Bankhead	Hitchcock	Page	Smith, Ga.
Brandegee	Hughes	Perkins	Smith, Md.
Bryan	James	Pomerene	Smoot
Burton	Kern	Ransdell	Stephenson
Camden	La Follette	Reed	Stone
Clark, Wyo.	Lodge	Robinson	Sutherland
Culberson	McLean	Root	Tillman
Dillingham	Martine, N. J.	Saulsbury	Weeks
du Pont	O'Gorman	Shafroth	
Goff	Oliver	Shively	
Hardwick	Overman	Simmons	

#### NAYS—34.

Ashurst	Gore	Myers	Thompson
Brady	Gronna	Norris	Thornton
Bristow	Hollis	Pittman	Townsend
Burleigh	Johnson	Poinexter	Vardaman
Chamberlain	Jones	Sheppard	Walsh
Clapp	Kenyon	Sherman	White
Crawford	Lane	Sterling	Works
Cummins	Lea, Tenn.	Swanson	
Gallinger	Lee, Md.	Thomas	

#### NOT VOTING—21.

Borah	Fletcher	Newlands	Smith, S. C.
Catron	Lewis	Owen	Warren
Chilton	Lippitt	Penrose	Williams
Clarke, Ark.	McCumber	Shields	
Colt	Martin, Va.	Smith, Ariz.	
Fall	Nelson	Smith, Mich.	

The VICE PRESIDENT. The point of order is sustained.

#### EXECUTIVE SESSION.

Mr. STONE. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 14, 1915, at 12 o'clock meridian.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate January 13, 1915.*

##### RECEIVER OF PUBLIC MONEYS.

Robert J. McGrath to be receiver of public moneys at Lamar, Colo.

##### REGISTERS OF THE LAND OFFICE.

Alonzo L. Beavers to be register of the land office at Lamar, Colo.

Edward J. Hoefnagels to be register of the land office at Leadville, Colo.

##### APPOINTMENTS IN THE ARMY.

##### CHAPLAIN.

Rev. Thomas L. Kelley to be chaplain with the rank of first lieutenant from December 29, 1914.

##### MEDICAL RESERVE CORPS.

*To be first lieutenants with rank from January 5, 1915.*

Edward Jenner Barrett.

George Sherman Haswell.

John Marvin Ingersoll.



Otto Juettner.  
Cyril Ettrick Lewis.  
Arthur Thomas McCormack.  
John Rogers.  
Robert Lewis Irvine Smith.  
John Gurney Stowe.  
Charles William Thompson.

## POSTMASTERS.

## KENTUCKY.

L. C. Adams, Berea.

## OHIO.

C. A. Corbin, Ashtabula.

## PENNSYLVANIA.

J. R. Brown, Avella.  
William A. Kessler, Homestead.  
D. H. Sutton, East Butler.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 13, 1915.

The House met at 12 o'clock noon.

Rev. Dr. Martin A. Meyer, rabbi Temple Emanu-El, San Francisco, Cal., offered the following prayer:

God of the nations, may the spirit of knowledge and of good will, of peace and understanding, rest upon the assembled deputies of our Nation, so that justice may abound in our land, that wisdom and harmony may direct their councils in the spirit of righteousness. Lead these, Thy servants, in the paths of peace. May Thy divine guidance be our portion, so that this people, dedicated to liberty and fraternity, may ever be the stay and guidance of man and humanity, leading to the mountains of love and light. O God, grant strength to the leaders of the people. O Lord, bless our Nation with peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

The SPEAKER. This is Calendar Wednesday.

## QUESTION OF PARLIAMENTARY PROCEDURE.

Mr. SAMUEL W. SMITH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SAMUEL W. SMITH. When the President of the United States appears before Congress to deliver a message is it a proper form of procedure for a Member or Senator to ask him a question?

The SPEAKER. The Chair investigated that once, and there has been nothing of the sort that has happened in Congress since Thomas Jefferson was sworn in as President the first time, because no President since that time ever read a speech before Congress except President Wilson. But before that it does seem that they interrogated the President—not very frequently, but it was done. The opinion of the present incumbent of the Chair is that the President would have the right to refuse to be interrogated, if he wanted to.

Mr. SAMUEL W. SMITH. I have a further question to ask. Mr. Speaker, I would like to know the proper course to pursue, whether or not a Member or a Senator should address the Speaker first, and ask leave to address the President.

The SPEAKER. No. In the opinion of the Chair, the Speaker has nothing to do with it.

Mr. SAMUEL W. SMITH. The Speaker is of opinion that a Member or Senator should address the President direct?

The SPEAKER. Yes.

Mr. MOORE. If, under the circumstances described by the gentleman from Michigan, a Member should rise in his place while the President is addressing the House and should say, "Mr. Speaker," would that be in order?

The SPEAKER. Well, it might be in order, but it would be exercising wretched taste. [Applause.]

Mr. MOORE. Exactly; but the Speaker would exercise his right of recognition in his own way.

The SPEAKER. I have not studied that phase of it.

Mr. ADAMSON. Mr. Speaker, a parliamentary suggestion.

The SPEAKER. The Chair would be glad to hear it.

Mr. ADAMSON. I think if either of the gentlemen ever attempted it, the same man would never attempt it the second time. [Laughter.]

Mr. MOORE. That may be; but apparently the President does lay himself open to interrogation.

## CHANGE OF REFERENCE.

Mr. CARAWAY. Mr. Speaker, I wish to ask unanimous consent to have a change of reference made of the bill (H. R.

11904) granting an increase of pension to C. W. Kerlee from the Committee on Invalid Pensions to the Committee on Pensions.

The SPEAKER. Is it a pension bill?

Mr. CARAWAY. Yes.

The SPEAKER. And it has gotten to the wrong committee?

Mr. CARAWAY. Yes, sir.

Mr. MANN. That is done through the basket without any further formality.

The SPEAKER. Yes; that is done through the basket.

Mr. CARAWAY. That is, I should reintroduce it?

The SPEAKER. No; it simply requires a change of reference.

## LEAVE OF ABSENCE.

Mr. GORDON, by unanimous consent, was granted leave of absence, for three days, on account of public business.

## STANDARD BARREL FOR FRUITS, ETC.

Mr. SAUNDERS and Mr. ASHBROOK rose.

The SPEAKER. For what purpose does the gentleman from Virginia rise?

Mr. SAUNDERS. I want to know if we have reached the consideration of the apple-barrel bill. If so, I want to get recognition on it.

The SPEAKER. The Chair has not laid it before the House. This is Calendar Wednesday, and the Clerk will report that bill as unfinished business. Then the Chair will recognize the gentleman.

The Clerk read as follows:

A bill (H. R. 4899) to fix the standard barrel for fruits, vegetables, and other dry commodities.

Mr. ASHBROOK rose.

The SPEAKER. For what purpose does the gentleman from Ohio rise?

Mr. ASHBROOK. Mr. Speaker, one week ago to-day, before the House adjourned, I moved the previous question on the bill H. R. 4899. I wish to renew the motion for the previous question on that bill.

Mr. WINGO. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WINGO. Had we completed the reading of the bill for amendment?

Mr. MANN. The bill had not been read for amendment. It is a House bill. Would it not be wiser to agree upon a time for closing debate instead of trying to push it through?

Mr. SAUNDERS. If I am recognized, Mr. Speaker, the gentleman from Ohio can not get recognition to move the previous question.

The SPEAKER. The Chair did not recognize the gentleman from Virginia.

Mr. SAUNDERS. I understood the Chair recognized me.

The SPEAKER. No; the Chair asked the gentleman for what purpose he rose.

Mr. FOSTER. The gentleman in charge of the bill is entitled to be recognized.

The SPEAKER. There is no trouble about that.

Mr. ASHBROOK. Mr. Speaker, something over three hours' time was used in debate on this bill, and it occurs to me we have had sufficient time in which to debate the bill, and I see no reason why I should not insist upon my motion.

The SPEAKER. The motion for the previous question is not debatable. If the gentleman makes the motion, the Chair will put it.

Mr. ASHBROOK. Mr. Speaker, I would like to inquire, reserving my rights, what suggestion gentlemen have to make as to further debate on this bill. There is another bill that we want to bring up, and I do not want to waste unnecessary time.

Mr. WINGO. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. Yes.

Mr. WINGO. The debate the other day was controlled largely by the members of the committee. It is a well-known fact that several amendments that were perfectly pertinent and proper, going to the root of the question, have been prepared and are ready to be offered, and I see no reason why we should attempt to rush through a matter of this kind.

The SPEAKER. The motion for the previous question is not debatable, and if Members do not wish the previous question ordered their remedy is to vote down the motion for the previous question.

Mr. MANN. I ask unanimous consent that at the end of two hours the previous question shall be considered as ordered, the time to be arranged.

Mr. ASHBROOK. Mr. Speaker, it seems to me that three and a half hours of debate ought to be sufficient on this bill. If gentlemen do not want to vote for it, let them vote against it.



The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that at the end of two hours—

Mr. MANN. Would a shorter time be agreeable to the gentleman from Ohio?

Mr. ASHBROOK. I will consent to one hour, Mr. Speaker.

The SPEAKER. Does the gentleman agree to that?

Mr. MANN. As far as I am concerned.

Mr. SAUNDERS. How is that time to be controlled, Mr. Speaker?

The SPEAKER. Unless there is an agreement, the Chair will control the time.

Mr. MANN. The gentleman from Arkansas [Mr. WINGO] wants some time.

Mr. FOSTER. I should like to have a little time.

Mr. ASHBROOK. Mr. Speaker, we have one member of the committee who is opposed to the bill, and I would suggest, therefore, that one half the time be controlled by myself and the other half by the gentleman from Michigan [Mr. CRAMTON], a member of the committee.

Mr. SAUNDERS. Mr. Speaker, I wish to know—

Mr. ASHBROOK. I will say to the gentleman from Virginia that I will yield to him five minutes of my half hour, if that will satisfy him.

Mr. ADAMSON. I should be glad to use as much of five minutes' time as I may need.

The SPEAKER. That is a matter for the gentleman from Ohio [Mr. ASHBROOK] and the gentleman from Michigan [Mr. CRAMTON].

Mr. ADAMSON. That is the price of unanimous consent, though.

Mr. CRAMTON. Any of these gentlemen who are opposed to the bill could have secured time the other day if they had desired it by making their wishes known to me.

The SPEAKER. That is neither here nor there. The gentleman from Ohio [Mr. ASHBROOK] and the gentleman from Illinois [Mr. MANN] ask unanimous consent that this debate run not longer than an hour, and that at the end of that time the previous question shall be considered as ordered.

Mr. ASHBROOK. The previous question on the bill and all amendments.

Mr. ADAMSON. Reserving the right to object, do I get five minutes?

The SPEAKER. Does the gentleman from Ohio give the gentleman from Georgia five minutes?

Mr. ASHBROOK. Cheerfully.

Mr. DILLON. Reserving the right to object, as I am a member of the committee I will ask the chairman of the committee if he will yield to two or three gentlemen to whom I have promised time?

Mr. ASHBROOK. I have agreed to parcel out 10 minutes of my half hour, and I will do the best I can to take care of my colleague on the committee [Mr. DILLON].

Mr. DILLON. I have promised the gentleman from Virginia [Mr. SAUNDERS] five minutes.

Mr. ASHBROOK. I have taken care of the gentleman from Virginia [Mr. SAUNDERS].

Mr. DILLON. And the gentleman from Wisconsin [Mr. BROWNE] and the gentleman from Texas [Mr. SUMNERS]. If the gentleman will take care of them—

Mr. ASHBROOK. I think I can do that.

Mr. MANN. Make it 45 minutes on a side.

Mr. SLAYDEN. The gentleman had better do that.

Mr. ASHBROOK. Then, I will modify the request for unanimous consent that the debate on this bill be limited to 1 hour and 30 minutes, one half of that time to be controlled by the gentleman from Michigan [Mr. CRAMTON] and the other half by myself, and that at the expiration of the 1 hour and 30 minutes the previous question be considered as ordered on the bill and all amendments thereto.

Mr. MANN. The amendments will be disposed of as they are offered. I take it, and the time for voting on the amendments will not come out of the hour and a half.

The SPEAKER. The gentleman from Ohio [Mr. ASHBROOK] asks unanimous consent that debate on this bill be limited to one hour and a half, one half that time to be controlled by himself and the other half by the gentleman from Michigan [Mr. CRAMTON], and that at the end of that time the previous question shall be considered as ordered on the bill and amendments to the final passage.

Mr. ASHBROOK. Do I understand that the one hour and a half is all the debate that there will be on the bill and amendments?

Mr. MANN. If the previous question is ordered at the end of that time.

Mr. ASHBROOK. Do I understand that there will be one hour and a half on the bill and all amendments, and that at the expiration of the hour and a half the previous question shall be considered as ordered?

The SPEAKER. Of course you can not debate a thing after the previous question is ordered.

Mr. ASHBROOK. Very well.

Mr. MANN. But the amendments will be disposed of as they are offered?

The SPEAKER. At the end of the hour and a half the Chair will have the amendments voted on in the order in which they were offered, and the voting on the amendments will not be taken out of the hour and a half.

Mr. ASHBROOK. All right.

The SPEAKER. Is there objection?

Mr. WINGO. Mr. Speaker, reserving the right to object, there were a good many amendments to the bill that ought to be considered. A good many of us are interested in them, and it will be like it was the other day. I spent the whole afternoon on the floor trying to get an opportunity to offer an amendment and was shut out, very properly, by members of the committee having preference, and that is the situation in which we find ourselves this morning under the proposed agreement. The members of the committee, who have already taken a great deal of time, will control the remainder of the time, and it is to be parceled out among those who have already offered amendments and discussed them. I shall object unless there is a bona fide opportunity to consider those amendments.

Mr. CRAMTON. Will the gentleman yield?

Mr. WINGO. Certainly.

Mr. CRAMTON. I will say that I have not in mind at present any intention to occupy any part of the time myself, and I shall do everything I can to take care of gentlemen who are opposed to the bill.

Mr. MANN. How much time will you give the gentleman from Arkansas?

Mr. ASHBROOK. Mr. Speaker, will the Chair put the question?

Mr. GARRETT of Tennessee. Will the gentleman permit a suggestion?

Mr. ASHBROOK. Yes.

Mr. GARRETT of Tennessee. Why does not the gentleman let all the amendments be reported now, at first, and then let there be an hour and a half of debate?

Mr. ASHBROOK. I understand that some gentlemen have not their amendments prepared yet.

Mr. GARRETT of Tennessee. If they are not ready, that would not be a feasible proposition.

Mr. ASHBROOK. Mr. Speaker, do I understand that the gentleman from Arkansas objects?

Mr. MANN. No; he has not objected.

The SPEAKER. Does the gentleman object?

Mr. WINGO. I certainly have not objected.

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, I want to reserve the right to object, and I want to do it to say one thing about the debate which I think ought to be said. If we are to have the practice of distributing time in debate in dribbles so that no human being, no matter what his capacity is, can give any information to the House about the subject he discusses, I am very much opposed to the agreement. Yesterday we spent six hours distributing time in a way which made it impossible for anybody to discuss the question with thoroughness or fullness for the information of the House. It makes debate in no way creditable to the House; it is lowering the character of discussion and is a waste of public time. If there can be an arrangement by which the pro and con of a proposition can be discussed adequately instead of parceling time out in two or three minute periods so that a man can break into the Record without any possibility or chance of giving information to the House, all right; otherwise I think a protest ought to be made against the distribution of time to everybody when nobody actually can debate.

Mr. BARNHART. According to the gentleman's theory, Members who are rapid talkers would monopolize all the time.

Mr. SHERLEY. By no means; but it is impossible to deal with a question of any magnitude in a speech of two or three minutes. The debate is not for the purpose of exploiting Members or sending speeches to their constituents, but to inform the House upon matters of legislation. We had an instance of it yesterday. It was absurd for any man to discuss a great question like that in five minutes' time. What was the result? We had six hours of debate and nobody paid any attention to most of it. It did not cover either side of the question, and that is what happens in the House right along. I do not take up much



of the time of the House, and have no desire to, but I do desire to see the time that is taken used intelligently in considering questions.

Mr. TOWNER. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. TOWNER. Does not the gentleman think that it is rather a lack of management on the part of gentlemen who control the time?

Mr. SHERLEY. Unquestionably; and it was in order to call the attention of the House to the matter that I made this statement.

Mr. MANN. I was glad to get five minutes yesterday, and I was satisfied with it.

Mr. SHERLEY. Well, the gentleman from Illinois is unusual; he can say more in five minutes than most Members.

The SPEAKER. Is there objection?

Mr. SHERLEY. Who is to control the time?

Mr. ASHBROOK. The acting chairman is to control one half and the gentleman from Michigan [Mr. CRAMTON] the other half. We had three hours and a half debate on this bill last week.

Mr. SHERLEY. I have no particular desire in this instance to object, but I felt what I have said ought to be said touching debate in this House.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none, and the gentleman from Ohio is recognized for 45 minutes.

Mr. ASHBROOK. Mr. Speaker, I have a letter from N. & H. O'Donnell Cooperage Co., of Philadelphia, and a telegram from the North American Fruit Exchange, from Cleveland, Ohio, which I ask the Clerk to read in my time.

The Clerk read as follows:

CLEVELAND, OHIO, January 12, 1915.

Congressman WILLIAM GORDON,  
Congress Hall, Washington, D. C.:

House bill 4899—uniform standard mandatory barrel for all kinds of fruits and produce—is scheduled for vote in House Wednesday, 13th., and is of vital importance to relieve this industry from the chaotic condition caused by having various sizes and forms of barrels and by conflicting State laws hampering interstate traffic. We urge you to work hard to get this bill passed Wednesday.

NORTH AMERICAN FRUIT EXCHANGE.

PHILADELPHIA, PA., January 11, 1915.

Hon. WM. A. ASHBROOK,  
Committee Coinage, Weights, and Measures, Washington, D. C.

DEAR SIR: We wired you to-day, as follows: "The impression in committee seems to be that mandatory feature of standard barrel bill, No. 4899, is against interest of barrel manufacturers. We, as barrel manufacturers, want mandatory feature; better for us, knowing sizes of stock to secure; also better for customers."

We understand that your committee will take this matter up within a day or two, and we would like you to express our views, as barrel manufacturers. With fixed sizes, manufacturers are safe in securing stock, and customers understand exactly what they are to get, hence we feel that it is best for all concerned that the mandatory feature remain.

Thanking you in advance, we remain,

Yours, very truly,

N. & H. O'DONNELL COOPERAGE CO.,  
A. J. TOLAND.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. Did I understand the Chair to rule that the amendments would be voted on as presented?

The SPEAKER. No; the understanding is that the amendments are to be voted on after we get through with the debate. Ordinarily in the House amendments are voted upon when offered.

Mr. STAFFORD. The reason I ask is that there are three amendments now pending.

Mr. ASHBROOK. The understanding was that the amendments should be voted upon at the conclusion of the debate in the order that they were presented.

The SPEAKER. That is the way the Chair understood it. Ordinarily in the House amendments are voted upon when offered, but this arrangement was made in order to get out of the hole that we seemed to be in. So the Chair will submit the amendments after the close of the one hour and a half debate.

Mr. SPARKMAN. Will the gentleman from Ohio yield?

Mr. ASHBROOK. Certainly.

Mr. SPARKMAN. Under the provisions of this bill as presented, does it include oranges?

Mr. ASHBROOK. No; it has nothing to do with crated fruit; it has only to do with the dimensions of the barrel.

Mr. SPARKMAN. I notice in the last paragraph a proviso that—

*Provided, however, That nothing in this act shall apply to barrels used in packing or shipping commodities sold exclusively by weight or numerical count.*

Now, inasmuch as you exclude that class of shipments by weight and numerical count, I did not know but that it might be held to include oranges.

Mr. ASHBROOK. It does not.

Mr. CRAMTON. If the gentleman has anyone to yield to, will he yield some of his time now?

Mr. ASHBROOK. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. BROWNE].

Mr. BROWNE of Wisconsin. Mr. Speaker, I am in favor of this bill, and I believe it is in the interest of a fair deal both for the producer and the consumer. To-day in the United States we have almost as many standards for the bushel and the barrel as there are States in the Union. The different States are legislating upon this subject, and the result is that unless the United States Government exercises its constitutional right and has the standard barrel fixed, we are going to have at least a dozen or more standards in the United States.

My friends from Michigan object to the standard barrel prescribed in this bill. In Michigan the standard bushel for apples is 48 pounds; in Wisconsin it is 50 pounds. The standard in Michigan for a bushel of onions is 54 pounds; in Wisconsin it is 57 pounds. In Michigan they give 22 pounds of dried apples for a bushel, while in Wisconsin it is 25. In Michigan cranberries are 40 pounds to the bushel, while in Wisconsin 35. Buckwheat in Michigan takes 48 pounds to the bushel, while in Wisconsin 50 pounds to the bushel. In Michigan the standard barrel is a little short of the standard barrel provided for in this bill.

Now the consumer is cheated in buying, for he pays for the smallest amount of pounds to the bushel, while as a rule the producer only gets pay for the bushel containing the largest number of pounds. So that the consumer and the producer both lose by not having a standard, and the only man who is benefited is the middleman or the commission merchant. Some question has been brought up here in regard to the standard cranberry barrel. Some have suggested that the standard cranberry barrel should be the same as the standard apple barrel. Practically only three States in the Union produce cranberries—Massachusetts, New Jersey, and Wisconsin. They produce 98 per cent of the cranberries. They have fixed a standard, and that standard is the standard prescribed by this bill. A standard cranberry barrel should hold 100 pounds—the amount provided in this bill. That has been demonstrated both by the cranberry producers and the dealers in cranberries all over the country to be a correct standard. A larger barrel is not a good thing, for the reason that the fruit is injured in shipping it in larger quantities in a barrel, and the tendency is to reduce the size of the barrel. Wisconsin has had to guard against that. When you buy cranberries in a standard Massachusetts, Wisconsin, or New Jersey cranberry barrel you know that you are getting 100 pounds, while if you buy cranberries for sale in the other States you do not know whether you are getting short weight or not.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. BROWNE of Wisconsin. Yes.

Mr. CRAMTON. As I understand, then, the gentleman is making an appeal here for an industry which he is especially discussing, to have it in effect exempted from the operation of the uniform standard which he is advocating for other industries.

Mr. BROWNE of Wisconsin. Mr. Speaker, I am not doing that at all. In reply to the gentleman I will state that cranberries are a berry, and the largest package in which any berry is sold is a 100-pound cranberry barrel. You can not put them in a larger barrel and ship them profitably.

The SPEAKER pro tempore (Mr. SAUNDERS). The time of the gentleman from Wisconsin has expired.

Mr. BROWNE of Wisconsin. Mr. Speaker, I will ask to have a couple of more minutes, because my time has been taken up with answering questions.

Mr. ASHBROOK. Mr. Speaker, I yield two minutes more to the gentleman.

Mr. BROWNE of Wisconsin. Mr. Speaker, it has been demonstrated by the cranberry producers and the dealers in cranberries that you can not ship or handle cranberries in a package larger than 100 pounds. If you use a larger barrel you injure the fruit. It can not be done, and never has been done, successfully. In the States that produce 98 per cent of the cranberries, cranberries have been shipped and offered for sale in barrels that contain precisely 100 pounds of berries, and that is the largest package that any kind of berries have ever been put up in.

Mr. SLAYDEN. Mr. Speaker, will the gentleman yield?

Mr. BROWNE of Wisconsin. I yield to the gentleman from Texas.



Mr. SLAYDEN. Does not the gentleman think, conceding the right of the cranberry trade to have a package suitable to its particular traffic, that they should at least be forced to abandon the use of the word "barrel"? Let them call it a 100-pound package or anything they please, but we certainly ought not to have a different meaning under different conditions for the same word. Does not the gentleman agree with that suggestion?

Mr. BROWNE of Wisconsin. Mr. Speaker, these berries are put up in a barrel. Other products such as vegetables and fruits have half barrels and quarter barrels and three-quarter barrels. This is a barrel. The dimensions are good and the amount easy to ascertain in determining the price per pound, and it is not a particularly small barrel. It is a barrel that holds 100 pounds of cranberries, or about 20 per cent less than the standard apple barrel.

Mr. SLAYDEN. But we are trying to give a legal significance to the word "barrel" as we do to the word "pound."

Mr. BROWNE of Wisconsin. The term "barrel" is used by the cranberry trade here and the trade abroad. Quite a large number of cranberries are shipped abroad, and they are used to the term "barrel." They have been using it for 30 years, and I do not see any good reason for abandoning the use of it at the present time.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has again expired.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield to me? I will yield the gentleman two minutes more.

Mr. BROWNE of Wisconsin. Yes.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for two minutes more.

Mr. CRAMTON. Mr. Speaker, did I understand the gentleman to say that for some time past 98 per cent of the cranberries have been handled in barrels uniformly containing 100 pounds?

Mr. BROWNE of Wisconsin. Yes.

Mr. CRAMTON. Then, does not the gentleman think that the industry has been getting on a pretty uniform basis without any drastic, mandatory legislation?

Mr. BROWNE of Wisconsin. It has; but there is danger. To-day the States are beginning to legislate upon this subject. Wisconsin started in to legislate upon it, and other States are; and where they do not raise cranberries they do not see why the standard cranberry barrel should differ from the standard apple or sugar barrel, just the same as the committee to-day is considering this bill; they see no reason why you could not put cranberries in a sugar barrel, but the trade has demonstrated that it can not be successfully done; that it would be injurious to the berry; that it would spoil in shipment. This barrel has been used as a standard for 30 years by the cranberry-producing States, and why not have it remain a uniform standard, one that practically all of the producers of cranberries, as well as those engaged in the trade, want?

In regard to the bushel, as I have said, in Michigan a bushel of cranberries contains 40 pounds, while in Wisconsin and other cranberry States it contains 35 pounds. It is the same with the apple barrel. The States that produce an article always want as small a standard as is possible. Michigan is a great apple State. It desires 48 pounds to the bushel, while Wisconsin and other States that do not produce as many apples, but consume many, want 50 pounds to the bushel. The result is that we have this conflict; and if the United States had exercised the jurisdiction which it ought to have exercised in the beginning we would have had one standard of weights and measures, and it would apply to the sale of all kinds of vegetables, berries, and fruits the same as the yardstick applies to measurements of different kinds.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. CRAMTON. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. ADAMSON].

Mr. GARRETT of Tennessee. Mr. Speaker, before the gentleman yields to the gentleman from Georgia, would it be agreeable to him to have me ask him a question?

Mr. CRAMTON. Certainly.

Mr. GARRETT of Tennessee. I notice in the bill that the barrels for everything else except cranberries have a fixed dimension provided for. There is a provision that any barrel of whatever form having a capacity of 7,056 cubic inches shall be a standard barrel, but when it comes to fixing the measurement for cranberry barrels there is no provision as to the cubic inches. It fixes an arbitrary standard; it has to be that and nothing else. There is some latitude left in the case of the other barrel. Why that distinction?

Mr. CRAMTON. I feel that is a question that had better be answered by the gentleman from New Jersey [Mr. TUTTLE], the author of the bill.

Mr. TUTTLE. I will say to the gentleman that provision of the cranberry barrel is written as it is because it is for cranberries only. They are the only small fruit shipped in barrels, and it was demonstrated to the committee that this size barrel is required. Cranberries can not be shipped without injury or damage in barrels larger than this, and this standard is legalized in the three States which raise the cranberries of the country. These dimensions have been established by the usage and custom of some 30 years.

Mr. GARRETT of Tennessee. If you fix arbitrarily the number of cubic inches which shall be in the barrel, what difference would it make as to the shape of the barrel?

Mr. TUTTLE. I will say to the gentleman it is a very difficult matter to fix arbitrarily the cubic inches in a barrel. It is difficult to determine the cubical contents of a barrel, and that is modified by the provision that variations shall be made and tolerations established by rules and regulations of the Director of the Bureau of Standards.

Mr. GARRETT of Tennessee. The gentleman refers to section 3 now?

Mr. TUTTLE. Yes.

Mr. CRAMTON. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Speaker, it is not my custom to interfere with bills from other committees in this House, but with a strict regard for discipline to support them, although sometimes I think they are defective in merit, yielding my own judgment to the judgment of others; but when there is a constitutional question arising I am compelled under my oath to respect that. The only gentleman who mentioned the real question in the bill was the gentleman from Kentucky [Mr. THOMAS], and he was dismissed in a rather cavalier manner with the information that he did not know what he was talking about. The truth is the gentleman understood the Constitution. If there was any defect in his position, it was his failure to classify correctly. Now, I may be making the mistake that he made; if so, I stand to be corrected, of course. Is this a container to transport goods in interstate commerce, and therefore a regulation of commerce, or is it a unit of weight or measure?

If it is a unit of weight or measure the learned arguments made by my distinguished friend from South Dakota and others were entirely unnecessary, for we all knew, and nobody disputes it, that Congress has the unrestricted power to establish units of coinage, weights, and measures, and they are good in any State, county, town, militia district, or anywhere else, without regard to interstate commerce; but if it is a regulation of commerce, then beyond all question it can not be made constitutional by calling it a unit of measurement. Nobody pretends it is a unit of measurement. It is not a unit of weight; nobody pretends it is. It is not a multiple of any unit of weight or measure. It is a vehicle of commerce which is measured by these standard units that are established. If this is true, the gentlemen ought to make their bill constitutional by inserting the qualification that it shall apply to interstate commerce only. If they do not, I will be compelled reluctantly to vote against the bill, because I can not vote for what I am convinced is unconstitutional. I do not believe they can make the Supreme Court or the people believe that this is a unit of measurement or weight. I believe the author of the bill and everybody else recognize that it is a container for commerce and is a regulation for the commerce of the country. The language of the bill shows such to be its character. If that is so, the bill is unconstitutional if it attempts to operate within the boundaries of a State, and therefore if the supporters of the bill want it to be good they had better insert the qualification and limit it to interstate commerce. I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman yields back two minutes.

Mr. ASHBROOK. Mr. Speaker, I yield one minute to the gentleman from Missouri [Mr. RUSSELL].

Mr. RUSSELL. Mr. Speaker, I am trying to persuade myself that I ought to support this bill, and I want to do it if I consistently can; but I represent a very large apple-growing district, one that has taken the premium for apples in two of the largest expositions ever held in the United States. I am a little fearful of the penalty section of this bill, for fear it might get into trouble some innocent farmer who may not be advised of what the law is. Of course, we all understand that every man is presumed to know the law, and yet a great many do not know it, and especially farmers may not be acquainted with it. I understand that a man who is a producer of large quantities



of apples and who ships them by the carload would probably know of this provision; but possibly the small farmer, who produces only a small quantity of apples, might violate this law by carrying his apples to town in a barrel that did not comply with the provisions of this proposed law.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RUSSELL. Can I get another minute?

Mr. ASHBROOK. I will yield the gentleman one more minute.

Mr. RUSSELL. I have proposed an amendment to this bill by inserting the word "willful" before the word "violation," in line 19, page 2. This would be a protection to the farmer who might violate the law innocently by shipping apples in a barrel that does not comply with the provisions of this bill.

Mr. COOPER. Will the gentleman yield for an interruption?

Mr. RUSSELL. I will.

Mr. COOPER. As I understand, the bill is not going into effect for six months or a year. Does not the gentleman think that his small country farmer could become acquainted with the provisions of this bill within that time?

Mr. RUSSELL. Well, I have known very many intelligent men who did not know what the law was after it has been passed for several years, and I assume that the small country farmer might violate this law innocently without knowing of its provisions. It seems to me it would not hurt the bill to insert the word "willful" in the place mentioned.

The SPEAKER pro tempore. The time of the gentleman has again expired. Will the gentleman from Missouri send his amendment to the desk?

Mr. CRAMTON. I will yield three minutes additional to the gentleman.

Mr. RUSSELL. I would ask the Clerk to report the amendment which I have proposed.

The SPEAKER pro tempore. The Clerk has not the amendment.

Mr. RUSSELL. I sent it to the desk sometime ago. I simply ask to insert the word "willful" before the word "violation," in line 19, page 2. It seems to me this would be some protection to innocent farmers who ship small quantities of apples into town and who might violate the strict provisions of this law. I do not believe it would hurt the purposes of the bill to have this amendment inserted. Mr. Speaker, I do not care to discuss the amendment longer, and I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman yields back the balance of his time.

Mr. HAMILTON of Michigan. May I ask the chairman of the committee a question for information?

Mr. ASHBROOK. In just a moment. I would like to say just a word in answer to the remarks of the gentleman from Missouri [Mr. RUSSELL]. The life of a barrel is very brief at best. This bill would not go into effect until July 1, 1916, if the amendment prevails which I have offered, and I have no doubt that it will. In the opinion of the committee, and I think the gentlemen here will share that opinion, if this bill becomes a law, no other barrel will be made except the standard barrel, and without doubt by the time this bill would go into effect there would be very few barrels in existence except the standard barrel. I have full sympathy with the small farmer, because I am one myself, and I do not want to impose any hardships upon him. I think the ground of the gentleman from Missouri is not well taken for that reason.

Mr. GOULDEN. May I ask the chairman of the committee if they have made any provision in the bill to have the word "Standard" printed or stamped on the barrel?

Mr. ASHBROOK. There is no provision for the word "Standard" being printed or stamped on the barrel. But a barrel will be a barrel. It will be just what this bill provides. It is not necessary to stamp it.

Mr. GOULDEN. If it were stamped "Standard," a farmer of the class that you and the gentleman from Missouri [Mr. RUSSELL] and I belong to would know it was a legal barrel. I have apples to ship, and I want to tell you frankly that I would not have time to go to the country and measure the barrels in order to see whether or not they were standard; therefore I want them marked "Standard" for the protection of my tenants and others.

Mr. ASHBROOK. I will say to the gentleman from New York that the object of this bill is to protect him, so that if he orders a barrel of apples from Ohio or Missouri or wherever he may he will know what he is getting.

Mr. GOULDEN. But I am a seller as well as a buyer of apples.

Mr. ASHBROOK. If you sell a barrel of apples to me, then I will know what I am getting.

Mr. GOULDEN. I would like to have it stamped, so that all would know that they were not violating the law and that the consumers were getting a full measure of value for their money.

Mr. HAMILTON of Michigan. I would like to ask the gentleman upon what precise scientific basis the dimensions of the standard barrel for fruits, vegetables, and other dry commodities are established in this bill?

Mr. ASHBROOK. I will say to the gentleman from Michigan that the cubical contents and the dimensions of the barrel as fixed in this bill were prepared by the Bureau of Standards, and it is the same size barrel as our flour barrel.

Mr. HAMILTON of Michigan. For what reason, particularly—on what scientific basis—did they fix these dimensions?

Mr. ASHBROOK. It is necessary to have some arbitrary lines drawn as to the size and the contents of the barrel.

Mr. HAMILTON of Michigan. Exactly. What relations do these dimensions bear to the lesser units of measure, if any?

Mr. ASHBROOK. And I will say, further, to the gentleman that it follows the recognized shape of a barrel.

Mr. HAMILTON of Michigan. And fixes the size.

Mr. ASHBROOK. The size, I say, is the size of a flour barrel.

Mr. HAMILTON of Michigan. Is this size the size of a flour barrel?

Mr. ASHBROOK. It is the size of a flour barrel, which is the most generally used barrel.

Mr. MANN. How about the sugar barrel?

Mr. TUTTLE. The sugar barrel is 2 inches longer.

Mr. MANN. This would affect the sugar barrel?

Mr. TUTTLE. I think not. This one affects barrels of smaller size, and it does not affect any barrels the contents of which are sold by weight or measure, and sugar is sold by weight.

Mr. HAMILTON of Michigan. This barrel bears no scientific relation to any other measure of contents?

Mr. TUTTLE. I think the nearest approach to any other measure is the 3-bushel measure. This, I will say to the gentleman, is the development of the trade through long years of usage and custom, and this barrel is now accepted by all branches of business where barrels are used. The coopers have testified before our committee that this is the size of over 95 per cent of the barrels which they make. It is the universal flour barrel. It is the barrel which is universally used in the shipment of apples, a business of over \$125,000,000 a year. This bill is of great importance to those interests that use barrels in the packing of their fruits and vegetables and various other agricultural products.

Mr. HAMILTON of Michigan. The thing that struck me was that the barrel ought to have some relation to the lesser measures.

Mr. TUTTLE. It seems to have developed as all other measures have. The bushel has ceased, to a large extent, to be a measure of volume. The bushel is to-day defined in weight. The heaped bushel has led to a great deal of confusion, and no one can satisfactorily define it.

Mr. HAMILTON of Michigan. It seems to me it would be an excellent thing if we could have a standard barrel and a standard bushel the whole country over, so that everybody doing business and making contracts could know exactly about what he was contracting.

Mr. TUTTLE. That is the object of this bill, I will say to the gentleman.

Mr. HAMILTON of Michigan. It strikes me it is just a little inconsistent, after all. We fix a standard barrel for certain commodities, and then we make another standard barrel for another separate commodity; and while I can see that there are reasons why you might have a different sort of barrel for cranberries, still, inasmuch as you are calling it a standard barrel, it seems to me that I would call the cranberry receptacle something else, because you can hardly have two standard barrels of different dimensions.

Mr. TUTTLE. I will say to the gentleman that the members of the committee felt as he did when they first approached the question. But they found it necessary to fix a cranberry barrel distinct from the other barrel provided in this bill, because of its difference in shape as well as capacity.

Mr. HAMILTON of Michigan. You would have a sugar barrel, a flour barrel, and a cranberry barrel. You would have no standard barrel.

Mr. TUTTLE. This fixes a standard barrel. The sugar barrel is not used as a unit of measure. I want to say in this connection



tion, in answer to the gentleman from Georgia [Mr. ADAMSON], that the object of this bill is to fix the unit of measure, and the Bureau of Standards and the Bureau of Commerce agree as to its contents and think it is a constitutional bill and applies to intrastate as well as to interstate trade. It does fix the standard of measure.

Mr. HAMILTON of Michigan. It seems to be one of standard measure.

Mr. TUTTLE. It fixes a standard measure.

Mr. ASHBROOK. Mr. Speaker, I yield four minutes to the gentleman from Texas [Mr. SLAYDEN].

The SPEAKER pro tempore. The gentleman from Texas [Mr. SLAYDEN] is recognized for four minutes.

Mr. SLAYDEN. Mr. Speaker, I find myself quite a little in sympathy with the observations made by my friend from Michigan [Mr. HAMILTON]. The good in this bill lies in the fact that it undertakes to fix a standard. The wickedness is that it is not a part of a general, thoroughly matured, well-thought-out, complete scheme of standard weights and measures, such as I think was in contemplation by the fathers when they wrote the Constitution, and such as we ought to establish. Our system of weights and measures is archaic. It is absurd. It is not comprehensible to many intelligent people.

Now, we ought to have the most scientific, the most exact, and the most perfect system of weights and measures that has been devised. Whether we can ever get it I do not know. I refer to the metric system, a mathematically scientific, exact system. I will say in passing that in my observation the metric system was put into operation in a country which we flatter ourselves is nothing like so advanced in general and scientific knowledge as we are. It succeeded there a system of measures even more archaic than ours, a system which extended not merely to measures of volume, for liquids and solids, and lineal measurements, but which also went into the coinage of the country. I refer to Mexico. I do not remember the precise time fixed in the statute for the beginning of the full compulsory legal operation of the system, but I do know that those Indians, untrained, uneducated as they are, children of nature, so to speak, adopted a system without much difficulty at the end of the period fixed in the statute, and that to-day the metric system is in universal use in the Republic of Mexico and is a vastly more satisfactory scheme than that which had been in operation.

I shall support this bill, not because I am enamored of it, but because it does undertake to fix a standard. I hope that the committee, under the direction of our distinguished friend from Ohio [Mr. ASHBROOK], will prepare and bring out a thorough and scientific system of measures. It is preposterous to have, as was just suggested by some one on that side of the House, different sorts of barrels. It is almost as absurd as having different sorts of pounds and ounces. It puts out different standards of measure, and the word "barrel" may mean in some instances a barrel of sugar, in others a barrel of apples, and in others a barrel of cranberries, in varying quantities. It is not right that the country should be afflicted with this ancient, illogical system, and we ought to have—and I conceive it to be the duty of this committee to provide for it—a scientific and exact system. And therefore when I support this bill to-day I do so with some little misgiving, not because it is wrong in itself but because it does not go far enough. [Applause.]

Mr. ASHBROOK. Mr. Speaker, I yield three minutes to the gentleman from North Carolina [Mr. SMALL].

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. SMALL] is recognized for three minutes.

Mr. SMALL. Mr. Speaker, I am in favor of this bill. I live in a section of eastern North Carolina which is a large producer of different varieties of vegetables. We grow very largely Irish potatoes and sweet potatoes, which are shipped by the barrel. That applies also to a number of other kinds of vegetables; and the differences in standard sizes of barrels in the different States are causes of inconvenience. Under this condition growers adopt the maximum size of barrel prevailing in the several States to which shipments are made, the result being that where shipments are made to States having a standard barrel of less size the shipper suffers that loss, which to a large trucker amounts in the course of a season to quite a large sum. This bill is in the interest of growers and in the interest of buyers, because it establishes uniformity and prevents loss, and permits equity in behalf of both classes.

There is only one clause in the bill to which I invite the attention of the committee and to which there may be no valid objection, and that is the clause prescribing that the thickness of the staves shall not be greater than four-tenths of an inch. If that is the maximum which is necessary for all classes of woods, then there could be no objection to it; and if the com-

mittee has examined into that question so as to be assured that the maximum is sufficient to meet all classes and different varieties of woods, then it is a wise provision. Otherwise it might produce inconvenience.

Mr. SLAYDEN. But it does not affect the interior.

Mr. SMALL. No. The thickness of the stave does not affect the cubical contents. But there are some woods that can not be worked so well and would therefore require a greater thickness of staves than other woods. I simply call the attention of the committee to that clause.

Mr. Speaker, there is absolutely no criticism, in my opinion, to be based upon the constitutionality of the bill. Congress, under the provision of the Constitution for regulating coinage, weights, and measures, has the right to fix a standard barrel in the United States.

The SPEAKER pro tempore. The time of the gentleman from North Carolina has expired.

Mr. ASHBROOK. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has 16 minutes.

Mr. ASHBROOK. I yield to the gentleman one minute more.

The SPEAKER pro tempore. The gentleman from North Carolina is recognized for one minute more.

Mr. SMALL. And therefore this bill, on its face, is applicable to intrastate commerce and is entirely within the power of Congress.

There is just one more suggestion which I would like to make. I understand that the standard size of barrels fixed in this bill conforms exactly to the present standard in use in flour barrels, so that the farmers may use the empty flour barrel or compare that as standard of measure; and that fact in itself would allay any feeling of uneasiness that might be prompted by the adoption of the standard provided in this bill. I think it is altogether meritorious and in the interest of both the producer and the consumer.

The SPEAKER pro tempore. The time of the gentleman from North Carolina has expired.

Mr. CRAMTON. I yield to the gentleman from Pennsylvania [Mr. BURKE].

Mr. BURKE of Pennsylvania. Mr. Speaker, public services are never so much appreciated as are the accomplishments of men and the things we do for each other in private life. And not infrequently we encounter those who in their never-ending zeal for the general welfare have little time to devote to exploiting themselves to their contemporaries, as a consequence of which much of their accomplishments are often overlooked.

Aside from the few gentlemen whose special committee assignments in the Congress impose upon them the duty of making a detailed study of the affairs of the Capital, few of us realize the peculiarly difficult task the administrative officers of the District of Columbia encounter in the performance of their public duties.

Subject to the scrutiny and the control of a council composed of strangers in many instances and in all cases of gentlemen from distant parts of the Nation, their start is not auspicious. With a constituency without a vote, and they without means of appeal themselves, their position is not one to inspire envy.

I have heard so many harsh and thoughtless criticisms of the District, its people, and its officials, that I have felt tempted many times to break my rule to refrain from speech making in Congress and relate a few of the facts within my personal knowledge in order to promote the spirit of fair play and mete out a small measure of justice to those whose public service has endeared them to all who appreciate efficiency and courage in public officers.

Recent discussions have tended to do much injustice to the District and its people; and as they, because of the nature of our Government, are virtually deprived of a voice in the forum for defense or a more effective weapon with which to protect themselves in the war that is so often waged on them by those armed with the powers of a great Government and the privilege of congressional debate, I feel it a duty and a pleasure to-day to say a few words regarding the administration of the District's affairs during that portion of the last five years in which I believe the most splendid strides in District government improvement during the last quarter of a century were made.

I refer to the administration under Commissioners Cuno H. Rudolph, Gen. John A. Johnston, and Col. W. V. Judson, all capable and distinguished public servants.

As the systematic division of their duties brought the departments of Gen. Johnston and Col. Judson more particularly under my observation, and as the administration of their departments covering public works and public safety is more



than ordinarily interesting to the people in general, I shall confine myself to a review of their service.

I have personal knowledge of the fact that Gen. Johnston was virtually drafted into the position of Commissioner of the District of Columbia by the President of the United States through appeals to his good citizenship, while Col. Judson, as an Army officer, was ordered by the President to perform the duties of commissioner. Neither of these men sought the office. It was indeed a matter of personal regret to both of them that duty called them into their respective positions as Commissioners of the District of Columbia.

It was a difficult time for anyone to serve the District. Many Members of Congress were hostile to the District, thinking that its lawful financial relations with the United States were unfair to the latter. This brought the citizens of the District into conflict with Congress in many directions, and the commissioners, who were, among other things, intermediaries between Congress and the people of the District, stood in the line of fire.

Notwithstanding that the times did not seem propitious, they sought to accomplish many things and they put their whole hearts and souls into their work. Both Gen. Johnston and Col. Judson were graduates of West Point, where they had been taught the duty of service and of sacrifice. They did not flinch when they found themselves like many other honorable and efficient public officials the object of unjust attack. But in their code they found this no excuse for sulking, and they went on doing their duty. They did an extraordinary number of good things. The people of the District of Columbia are greatly their debtors, which most good citizens cheerfully acknowledge.

Congress, charged with the duty of exclusive legislation within the District, is also their debtor, inasmuch as they advised Congress wisely, though sometimes futilely, in District matters, and always faithfully and efficiently executed the will of Congress as set forth in its laws. In fact, the cause of municipal government all over the country is their debtor for what they did to make Washington a model city, whose methods and practices could be followed and have been followed to advantage by other cities.

Congress, because of its absorption in other matters, is usually slow to give the District its fair measure of general legislation along the lines that are being followed by the States.

We have no civil-service law for the District of Columbia. This makes trouble for the commissioners, who try to confine themselves to civil-service practices, for many influential gentlemen have friends or constituents here whom they frequently like to put in District offices.

We have no proper control over certain lines of big business carried on within the District as headquarters, such as the insurance business. This tends to make the District a haven of rest and a base of operations for promoters who impose upon your constituents and mine.

These commissioners of whom I am speaking, showing great courage and high moral sense, struck heavy and effective blows at such practices, and so have saved millions of dollars to investors and prospective investors all over the country. As a consequence of their own fidelity to duty in protecting the public interests, they had to pay out of their own pockets to defend themselves from suits, the very filing of which was but an additional false pretense to assist in wrongful stock-selling campaigns.

They procured the enactment for the District of a public utilities law, by the operation of which, in due time, the gas company, the electric lighting company, and the traction companies will bear fair relation to District consumers, both as to cost and character of service.

When they found that before they assumed office there had been an extension of street lighting into unoccupied territory, performing only the functions of advancing the value of lands to real estate speculators and increasing the profits of the lighting companies, they turned off lights that had uselessly cost the District and the United States many thousands of dollars annually. They compelled a refund of many thousands of dollars from one of the lighting companies because the lights it had been furnishing were of less than the legal standard of illumination. And they procured the enactment of a law by virtue of which about \$50,000 per annum was saved to the District and the United States through a fair reduction in the cost of street lighting. With a part of the saving thus effected they vastly improved the street lighting of the city and made Washington more safe and more beautiful at night.

They reformed the street-cleaning department. They found it under inept supervision, doing its work with lack of efficiency. They left it under most competent supervision, doing

the work with District plant and labor, with vastly increased thoroughness and efficiency, over a greatly extended area of streets, at a considerably reduced unit cost.

They improved the discipline and efficiency of the police department, and inaugurated therein motor patrol transportation with economy and increased police efficiency and emergency service.

They found dark, illy ventilated, antiquated, and insanitary cells amounting to dungeons in police precincts, jails, and inaugurated and, but for lack of appropriations always strongly urged, would have completed, the installation of modern, sanitary cage cells with light, ventilation, and cleanliness.

Their revision of traffic regulations and inauguration of rules for vehicular lighting, based upon a study of the best to be found throughout the world, was constructive work of great importance in the interest of public safety.

They inaugurated the motorizing of the fire department, with resultant increased efficiency of service, and insured large annual savings by the establishment of an enlarged and equipped departmental repair shop.

They constantly urged the increasing importance of the department of weights, measures, and markets, and greatly increased its efficient helpfulness to the consumer. They prosecuted a successful campaign for the display of the actual quantity or weight of goods on all sorts of containers, and vigorously prosecuted dishonest dealers. They secured appropriations for the complete repair and modern equipment for the public markets, for the present more than self-sustaining shelters for the farmers' produce market.

They took over the management of the municipal fish wharf upon the expiration of the lease thereof to private parties, according to the custom of many years, at an annual rental in later years of about fourteen hundred dollars, cleaned and cleared the site with the coordinate efforts of the departments of street cleaning, fire, police, and public health, on an estimated yearly earning to the District of \$10,000, which has proved conservative. They planned and estimated for a wholesale market on this site for sea food and farm produce that should develop a wide territory of supplies for the District, with cheap water transportation and probable diminished cost of products to the consumer, especially to the thickly settled South Washington population, of moderate means.

They never ceased to urge the importance of the conservation of the public health, and in this respect, as in every other practical respect, coordinated the efforts of all departments of the District government.

They entered the public service finding lack of harmonious departmental coordination, and having first harmonized themselves as to matters of coordinate policy in the public interest brought about a departmental spirit of mutual, coordinate helpfulness that is exemplary in the highest degree.

They found a pressing need for metering the water consumption, which latter was far greater per capita than in other cities, in order to make more remote the day when many millions would be required for an additional water supply. They did not ask Congress for large appropriations to purchase meters, but raised the water rate and cheerfully bore the resulting storm, which was not tempered by the fact that the rate when raised remained lower than elsewhere and covered less than cost. These commissioners were the first to make a move to increase local taxation, for such, in effect, was the raise of the water rate.

They urged Congress to acquire the lands needed for the great Burnham park plan while these lands were still cheap and unoccupied, and at their suggestion Congress provided a general law for a proper assessment of benefits when lands for parks are taken; and they succeeded in getting started one of the three major local park projects and authorizations for Rock Creek Park and Potomac Park. They procured the plan and authorization for the Anacostia Flats improvement and insured the elimination of the insanitary Anacostia Flats, and the creation in place of them of a beautiful park of land and water embracing many hundreds of acres.

Among the greatest District needs is suitable provision for its defectives—mental, moral, and physical.

These commissioners, in season and out of season, urged a start upon a proper municipal hospital building for the housing of the indigent sick, many of whom are now not cared for but neglected, being put off in unsuitable shacks, and the basements thereof upon the banks of the still insanitary Anacostia marshes. This outrage upon humanity they did not succeed in abating while they were in office, but their efforts will bear fruit in the future.

With reference to another class of defectives, the efforts of these commissioners bore fruit more promptly. Upon a spacious



site at Occoquan they established a model institution for the District workhouse prisoners who had formerly been herded up without occupation in dark cells beside the shacks which housed the indigent sick upon the insanitary Anacostia marshes. These prisoners are now raising upon the land of the institution a great portion of the wholesome food they eat, and manufacturing various articles, including brick, for use in the public works and other institutions of the District of Columbia. The institution is approaching, as intended, a self-supporting basis, and instead of turning men out soft and of lessened physical and moral stamina as did the old institution, the present one is releasing men who have been improved by incarceration. One can not measure moral changes, but careful records show gains in physical condition. The average weight of inmates, for example, is increased by several pounds, and such a result is without precedent at similar institutions. The institution at Occoquan is a model now being followed by other communities. And it cost less than any similar institution in the country.

During the administration of these gentlemen the condition of the asphalt street paving was vastly improved.

Higher standards were adopted for school buildings, and the fire risk in old buildings was materially reduced by partial reconstruction. A new Central High School was authorized on their recommendation and they had the plans prepared by Mr. Ittner, of St. Louis, the greatest schoolhouse architect in this country, and purchased for far less than the appropriation.

Improved building regulations were adopted, and a new law was recommended and enacted to govern building operations. This law and these regulations materially reduced fire risk and increased the safety of citizens.

While others were merely talking of the evil condition of Washington alleys, they continued by the enforcement of laws already on the statute books to effect a constant reduction in the number of alley dwellings and improvement in those that remained. At one blow, in condemning Willow Tree Alley, the worst of the slums in Washington, they eliminated 12 per cent of all the alley dwellings and a far larger percentage of all the alley evils.

No branch of the municipal service failed to receive their careful and intelligent attention, nor was there failure anywhere to raise standards of economy and efficiency. When they left office they had indeed created a model municipal government, in so far as they had the power, and they had pointed out and strenuously advocated what was necessary to complete the task.

They presented to Congress the desirability of developing the great water power wasted at Great Falls, to the end that the city lighting and power might be most economically produced, and as a result of their efforts plans for such a development are now before us.

They studied the disposal of city wastes and advocated proper plant and methods, the adoption of which will reduce cost and increase efficiency.

They proved that a municipal asphalt plant would be economical and lead to increase of efficiency.

They studied and made a most complete and admirable report to the Senate District Committee upon the local traction situation.

Their studies and their recommendations will continue to bear fruit in the future, as they have already borne fruit in the past.

And all of this time they had their eyes on the debt of the District of Columbia, showing a firm determination that that debt should be extinguished. This debt may properly be computed by adding together the floating debt owed by the District to the United States and one-half of the bonded debt which latter is owed half by the District and half by the United States. On June 30, 1910, this debt was \$8,020,328.98. The debt thus computed is now reduced to but little more than \$3,000,000. No little credit for this debt reduction is due these commissioners of whose splendid service to the people of Washington and to the Nation in the care and improvement of its Capital it has been a pleasure to speak to-day.

But when one studies the antecedents and the accomplishments of these men before they answered the President's call, there is little surprise that they stamped their individuality upon their work and left behind them a record of which all can well be proud.

Col. Judson has so frequently been the center of controversy and the subject of deserved compliment that I shall not dwell in detail upon him now.

As for Gen. Johnston, the countless thousands who have known him in civil, in military, in private, and in public life epitomize their one opinion in the expression—a true soldier,

a painstaking, industrious, and capable public officer, a staunch friend, and the uncompromising foe of hypocrisy and dishonesty.

But what else could he be, when we recall the atmosphere in which he has spent his years of manhood?

Gen. Johnston graduated at West Point in the class of 1879, and was assigned to the Cavalry arm, in which he served in the West from Texas to the Dakotas, attaining the grade of captain of Cavalry in 1895, major and assistant adjutant general in 1898, lieutenant colonel in 1901, and brigadier general in 1903. His promotions were unsolicited.

He is the first honor graduate of the postgraduate schools at Fort Leavenworth, Kans., and thereafter served in the departments of engineering, art of war, and tactics of the different arms, 1883 to 1885.

He was instructor in the departments of law and history and of tactics at West Point, 1887 to 1891.

He had charge of the organization and supervision of mounted instruction at the general mounted recruiting depot at Jefferson Barracks, Mo., 1893-94.

He was detached to organize the inaugural parades of Presidents Cleveland, 1893; McKinley, 1897 and 1901; Roosevelt, 1905; and Taft, in 1909; and that attending the dedication of Gen. Grant's tomb in New York in 1897, the Louisiana Purchase Exposition at St. Louis in 1903, and others.

He had charge of the organization and muster in and out of all Volunteer forces in the War with Spain, 1898, and for Philippine service, 1898 to 1901, and reorganized and supervised the general recruiting service of the Army, as at present, incident to the Army increase from 25,000 to 100,000 men.

He attended and made the report upon the Kaiser maneuvers of the German Army on the Polish frontier in 1902.

He resigned from the Army as a general officer after nearly 28 years' continuous service.

The following statement appears on his efficiency record:

Gen. Johnston, as Assistant Adjutant General, was in charge of the enlisted division from the beginning of the Spanish-American War to the date of the acceptance of his resignation, and was more than any other officer of the War Department identified with the recruitment of both the Regular Army and of the Volunteers, State and United States. It was on his recommendation that the rules and regulations for muster in and muster out of troops were made, all in all the most intelligent and comprehensive ever devised. It was on his special recommendation that Secretary Root urged upon Congress a national reserve force, and which, in my judgment, should be urged upon the Congress until it is enacted into law.

Gen. Johnston is a master of the details of organization, and in the event of war within the limit of his days for active service I recommend that he be called back with the high rank that his valuable services during the Spanish-American War and his great ability so justly warrant.

H. C. CORBIN,

Major General, Adjutant General, United States Army.

May this beautiful Capital City of my beloved country enjoy the fortune in future years to be guided by men whose vision and whose zeal will reflect as much credit upon our public life as those of whom I have spoken.

Mr. CRAMTON. I yield 15 minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Speaker, I am in perfect sympathy with the object of this legislation—to fix a standard unit of measure. I am not in sympathy with the proposition to fix a standard container for commerce. But if you do undertake to fix a standard container for commerce, which I do not think you can do except for interstate commerce, you ought to limit it to interstate commerce.

There is a distinction between exercising the constitutional authority and power to fix a unit of measure and fixing the size and the material of a container for commerce. If Congress has the power to say what shall be the thickness of the stave in a barrel—if that be granted to Congress under the authority to fix a unit of measure—then it will be just as reasonable to contend that we could say what should be the character of the wood out of which the staves are to be made. If we have the constitutional authority to fix the thickness of the stave, we have the constitutional authority to fix the width of the stave, and to require only an extra-wide stave, which could not be manufactured out of the small timber in certain parts of the country.

Mr. HAMILTON of Michigan. That is true.

Mr. WINGO. If we have the constitutional authority to fix the thickness of the stave and the width of the stave and the kind of wood from which it may be manufactured, we have the constitutional authority to fix the size of the bung-hole.

Mr. HAMILTON of Michigan. And the hoops.

Mr. WINGO. Will any man contend Congress has the authority to fix the size of the bung-hole of a barrel? The bung-hole is just as important in some cases as the thickness and quality of the stave,



By pursuing such a line of illustrations you can see the distinction that there is between fixing a standard of measure and prescribing a standard container for commerce. I am perfectly willing to fix a unit of measure. I think that is very proper.

Mr. COOPER. Will the gentleman yield for an interruption? The SPEAKER pro tempore. Does the gentleman yield?

Mr. WINGO. With pleasure.

Mr. COOPER. The gentleman cites the possibility of Congress fixing the size of the bunghole, or doing some other foolish thing, as a reason why this power does not exist. Congress has the power to-day to declare war against every nation in the world. It would be a foolish thing to do, but the fact that it might be exercised in a foolish way is not proof that the power does not exist.

Mr. WINGO. The gentleman did not catch the force of my argument. I was making the contention that if the constitutional authority to fix a unit of measure authorizes Congress to fix the thickness of the stave it could fix the quality of the wood, and even go so far as to fix the size of the bunghole. I used that as an illustration to try to make clear the distinction between a unit of measure and a standard container. There is a distinction, and that distinction is very readily shown in the difference between a barrel as a unit of measure and a barrel as a container. For instance, corn is sometimes sold by the barrel. That does not mean that it goes into an actual container, but the barrel is considered as a standard of measure. There is a clear distinction.

Mr. MANN. This bill endeavors to fix the size of a barrel. How else could you fix the size of a barrel so that the eye could take it in, without fixing the circumference and the thickness of the staves?

Mr. WINGO. I think you could fix it just as you actually now fix the barrel as a unit of measure. I think the only proper way to fix a unit of measure, if it is dry measure, is to say that it shall contain so many cubic inches.

Mr. MANN. You might do it in that way, but you have got to fix something that the eye can take in. Now, the eye can not measure the inside of a barrel that is filled; so that practically, if you want to fix the size of a barrel, you must fix it by the outside. But if you let the staves vary from four-tenths of an inch to 4 inches in thickness, that would not fix the size of the barrel, as far as being a container was concerned.

Mr. WINGO. I think it would. I think it would be fixing the size of the container.

Mr. HAMILTON of Michigan. May I ask the gentleman a question?

Mr. WINGO. I will yield to the gentleman from Michigan.

Mr. HAMILTON of Michigan. I appreciate the force of the gentleman's argument. He has given this matter a good deal of thought, and I want to ask him whether in his judgment it might not be possible to define what should be a standard barrel by cubic contents, and, in addition, to say, as the gentleman from Illinois [Mr. MANN] has suggested, that the barrel shall have staves of a certain length and a head of a certain diameter, and so forth.

Mr. WINGO. The committee itself, in reporting an exception, has shown the difficulty. The only safe thing you can do without having an exception is to fix the unit of measure at so many cubic inches of contents, not describing and fixing a unit container, but measuring the container by a unit of measure. That is the constitutional authority that we have. You meet with a difficulty when you come to cranberries. Now, have you provided for grape barrels? Everybody knows that grapes of a certain kind, from certain districts and for certain markets, are shipped in barrels.

Mr. HAMILTON of Michigan. Here comes along a dealer who can not compute the cubic contents, but he knows that a barrel of a certain size is a standard barrel. He can measure the length of the staves and the diameter of the head, and so on, and in that way he can know whether the barrel is a standard barrel.

Mr. WINGO. The man who has the mathematical knowledge to measure the length of the staves and the bulge of the barrel has the mathematical knowledge necessary to figure out the cubic contents, has he not?

Mr. HAMILTON of Michigan. I doubt it.

Mr. WINGO. There might be such a man; but take the average man, if he has mathematical knowledge enough to measure accurately the length of the staves and the thickness of the staves when they are in the barrel, with the edges beveled, and can measure the bulge of the barrel, he certainly has enough mathematical knowledge to figure the cubical contents. But before I have used all my time I want the amendments reported.

The Clerk read as follows:

Amend, by striking out sections 2 and 3, and strike out all of the enacting clause and insert in lieu thereof the following:

"That a standard barrel, dry measure, for the purpose of interstate commerce, shall be deemed to be a container with the capacity of 7,056 cubic inches."

Strike out the words "any other commodities" wherever such words occur in the bill.

Page 2, line 11, strike out the words "sell, offer, or expose for sale in any State, Territory, or District of Columbia, or to."

Mr. TUTTLE. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. TUTTLE. I was going to remind the gentleman that it is contemplated that other thicknesses of staves may be used in the barrel. When the Sulzer bill was considered fixing the standard barrel for apples it developed that there were different styles of barrels.

Mr. WINGO. I can not yield further. Before I forget it, I want to explain the different amendments. The principal one is to strike out all after the enacting clause and substitute these words, "standard barrel, dry measure, for the purpose of interstate commerce, shall be deemed to be a container of 7,056 cubic inches."

This amendment does not fix the size, shape, bulge of the container, but the cubical contents. The other amendment which I think ought to go in—

Mr. COOPER. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. COOPER. How would the average farmer know that a barrel of peculiar shape did not contain a certain number of inches?

Mr. WINGO. He would not; and my purpose is to strike out all of the bill and just fix the standard unit of measure for a barrel that could be used. If the argument made a moment ago is true—that 95 per cent of the barrels manufactured are of the thickness of staves provided for in this bill—I can not understand the letter of the stave factory which was read this morning. If it is already a standard barrel to practically the extent of 95 per cent of the trade, why are the stave factories in a certain part of the country that manufacture staves of a certain type out of native wood asking for the bill?

Mr. TUTTLE. Because there are States that provide for barrels of less capacity.

Mr. WINGO. The capacity has nothing to do with the thickness of the stave.

Mr. TUTTLE. It has to do with the length.

Mr. WINGO. You can always govern that by the cubic contents, and then you could use a square box or any shaped container the producer desires. There are not a dozen men on the floor that can accurately compute the thickness of the barrel stave with a bevel edge end. If they think so, let them try it.

Now, the other amendment is to strike out that part in section 2, lines 11 and 12, which would make it unlawful to expose for sale goods in a barrel of a different kind. The bill makes it unlawful to ship from one State to another barrels other than the standard barrel. In other words, it is to limit it to interstate commerce.

I was interested in the speech made by the gentleman from South Dakota [Mr. DILLON], who called attention to the different standards by weight of the different States. There is a reason for that. There is a reason for the difference between a barrel of cabbage and a barrel of potatoes. There is a difference between a barrel of potatoes and a barrel of radishes. Radishes are shipped by the barrel in some markets exclusively, and in others they are shipped by crate, and in other markets they are shipped partly by crate and partly by barrel.

Mr. DILLON. Mr. Speaker, I do not think I made such a statement as the gentleman refers to. I referred to the different standards of the same commodities in different States.

Mr. WINGO. I think the gentleman misunderstood me. I said there was a reason for the differences to which he called attention.

Mr. DILLON. Why should onions be sold at the rate of 47 pounds per bushel in Indiana and 57 pounds in Illinois?

Mr. WINGO. If they are practically the same kind of onions, they ought not to be. But there is a difference in weight of a bushel of potatoes grown on the mountain and a bushel grown in the valley.

Mr. DILLON. My remarks were entirely on the same commodities in the different States.

Mr. ASHBROOK. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. ASHBROOK. The gentleman referred to the fact that radishes and cabbage were shipped by freight in barrels.

The CHAIRMAN. The time of the gentleman has expired.



Mr. WINGO. Can I have three minutes more?

Mr. STAFFORD. I yield the gentleman three minutes more.

Mr. WINGO. The danger is in this, that you have different grades, different customs, different markets. You have different weights in some commodities than in others. Potatoes grown in one soil and under one climate are different in weight from those grown in another soil and in another climate. That is the reason why these customs have grown up. The committee has found the danger in fixing an arbitrary container when it makes the exception in favor of the cranberry. Did you make any exception in favor of the grape barrel? You can not ship grapes in the barrel provided here, or at least there is one grape that must be shipped in a small barrel.

Mr. TUTTLE. Grapes are sold by weight—sometimes in barrels and sometimes in crates.

Mr. WINGO. We have a difference of shipment in radishes. It differs in different towns in the same counties and in the same States.

It is interesting to go into the markets of Kansas City and see the different shipments coming in from the same State over different railroads. For instance, here comes a man from Michigan who is a grower of fruit or a grower of vegetables. He opens up a truck farm in the Southwest and he adopts one plan, but here comes another man from New Jersey and he settles in the county, but in another community, and he is the leading grower, and there his ideas of shipment control, and that is the reason we have mixed shipments. It seems to me that you ought to fix a unit of measure and not a unit of container.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. WINGO. Yes.

Mr. COOPER. Is the gentleman aware of the fact that the proviso on page 3, line 16, meets his contention:

*Provided, however, That nothing in this act shall apply to barrels used in packing or shipping commodities sold exclusively by weight or numerical count.*

Mr. WINGO. That does not meet it. When you ship radishes by the barrel and grapes by the barrel, it does not meet it.

Mr. COOPER. It does if you sell them by the weight.

Mr. WINGO. That is true; it does when you sell them by weight, but not by barrel. But you have your exceptions and you have your exceptions named in the bill—one for cranberries, one for weight, and one for numerical count. You will find that there should be other exceptions, and there is the error in standardizing the container instead of fixing a standard unit of measure. Of course, I do not blame the stave men in a certain territory for wanting their staves given preference by making them the standard stave, but you ought not to let the unit of measure be controlled by the convenience of the stave makers; you ought not to punish the farmer who wants to bring his product to town in a barrel not made of the prescribed thickness of stave, to a market that is not yet fully developed, by men who do not appreciate the particulars of standardization of their products, and you ought not to penalize them. You ought to fix a general unit of measure to start with, and then later on, if you want to fix a standard for potatoes, do so, or if you want to fix a standard for apples, do so, or a standard for cranberries, but do not with one sweeping drastic provision cover every commodity—fruits, vegetables, or any other dry commodity—as you do by this bill.

The SPEAKER pro tempore (Mr. SLAYDEN). The time of the gentleman from Arkansas has again expired.

Mr. ASHBROOK. Mr. Speaker, I yield four minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Speaker, I hope gentlemen will not be misled by statements regarding containers. We are not dealing with containers in interstate commerce. This bill does not purport to do anything regulating interstate commerce. The basis of this bill does not rest to any extent upon the right to regulate commerce. It rests upon this expressed declaration of the Constitution of the United States that Congress shall have the power to fix standards of weights and measures.

Mr. Speaker, what is a barrel? A barrel is defined by the dictionary as a measure of quantity, and the Constitution gives Congress the power to fix a measure, to fix all measures, if it so desires. So all of this talk about the length of staves and the thickness of staves and, as the last gentleman suggested, the size of the bunghole is absolutely immaterial and irrelevant to this discussion. We know that that is but an effort to approximate as nearly as possible that which we recognize in form as a barrel, and that we must do. If we desire to regulate a standard, we must do it; and I call the attention of the gentlemen to the fact that this bill very wisely does not say that a man shall be penalized and fined because the length of staves is not that prescribed, or the width or thickness is not that prescribed. He is only penalized when he sells a

barrel having less cubic contents than that prescribed herein. So that variations in these will not make any difference. But everybody desiring to sell by barrel will conform to the barrel, and this in the interest of common honesty between man and man in the United States, between dealers all over the United States. When we buy a barrel of anything, when this bill is passed, men will know what a barrel means. There may be 48 different varieties and sizes of barrels under existing conditions. But if I order from South Carolina a barrel of sweet potatoes, I will know what will be the size of that barrel, and if I order a barrel of apples from Michigan, I will know what will be the size of that barrel. It is only common honesty and justice that is asked by the passage of this bill. Our forefathers, when they were discussing this proposition and giving this power to Congress, recognized the difficulties that had existed in the Colonies because of the great variation; recognized, as was then stated on the floor of the Constitutional Convention, the fact that some of these Colonies had tried to defraud the people by making less and less, as time went by, the measures and weights of the commodities that they sold. So they thought it wise to give this power to Congress, so that it might prevent frauds, and so that it would not be an encouragement to men to deal dishonestly. And that is what this bill now means—only to make it so that when a purchase is made anywhere of a barrel of these kinds of commodities, men will know what they are getting, and it will not be possible for anyone who desires to do so to defraud a purchaser.

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. ASHBROOK. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Speaker, there are two or three objections that have been urged to this measure, that I wish to take up in their order. Of course we ought not to pass any measure, even in the exercise of our constitutional functions, that would operate as a hardship upon any established industry, if those hardships may be reasonably excluded in the preparation of the bill. So far as this measure is concerned, I do not think that even in its present form, the hardships that have been suggested exist. This I shall endeavor to demonstrate in the course of what I shall have to say. I happen to have in my district a large stave-making industry, as well as a number of large commercial apple orchards. Hence I would be peculiarly affected by anything in the way of hardship, or handicap, that would affect those industries. First in respect to the stave-making industry. The figures in the bill relating to the size of the barrel—and I wish to call the attention of the House to the fact that these figures are merely suggestive—to the thickness of the stave, to the circumference and the height, may, or may not be adopted by the stave makers. The size and dimensions of the barrel are not imperatively fixed by these figures. The only thing that is absolutely provided is that any barrel squat, or high, large, or small, that contains the prescribed number of cubic inches shall be a standard barrel. All that is contained in the bill relative to the thickness of the stave, the height, and circumference of the barrel is, as I have said, merely suggestive, but the suggestion is a very wholesome one, and should be followed. With respect to the suggested inconvenience to the stave-making industry, I wish to say that the machinery which it uses will enable them with but the slightest adjustment, and without inconvenience, to make staves that will conform to the provisions of this bill. The suggestion with respect to the size of the barrel is a wise one. Barrels of a uniform size will be much more readily handled and packed for shipment, whether by the orchardist on his wagon frames, or the common carrier, than barrels of varying sizes. Hence having reference to transportation on its practical side of facility and economy to all parties concerned, there is every reason why a standard barrel should be established, and why we should get away from the inconveniences that attach to the use of barrels and boxes of varying sizes. Standardization in this respect will be a distinct advantage to everyone connected with the movement of products that are sold by the barrel. There are one or two other things to which I wish to call attention.

The suggestion has been made that a retailer in a city who kept his apples in an apple barrel that was not of the standard size, and sold therefrom to his customers, one, two, or a dozen apples as the case might be, would come in conflict with this law. That suggestion is not well taken. A man selling under circumstances of that sort, would not in anywise be affected by the provisions of this legislation, which relate to a sale by the barrel, and not to a sale of apples from the barrel. Again it was suggested by another gentleman, I think the gentleman from Georgia [Mr. ADAMSON], that this bill is unconstitutional



because it undertakes to affect intrastate commerce. That suggestion has been discussed so fully on the floor, that I will not do more than to suggest that we are not proceeding under the commerce clause of the Constitution, but under an entirely different clause. The attention of the gentleman from Georgia is called to the fact that we are proceeding under the clause relating to standards. Legislation under that head, is not a regulation of commerce though it has a necessary relation to commerce, and it may, and properly does, operate as to dealings within the States. Still it does not impinge upon any of the rights of the States for in this respect the States have conceded the paramount authority to the Federal Government. However in the exercise of our constitutional power in relation to this particular subject matter, we do not propose to do anything in the way of inconvenience to industries operating within the States. As I have said, I have a number of apple growers in my county, and I know that it will be to their interest, to have this measure enacted. There are also many stave makers in my district. I can not say that the passage of this bill will advance their interests, but I know that it will not be to their prejudice. This measure will serve a useful purpose and ought to receive the full support of this House.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ASHBROOK. Mr. Speaker, I will ask the gentleman from Michigan to use the balance of his time.

Mr. CRAMTON. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, not alone because it is of advantage to the stave maker and the cooper, or even to the retail dealer, but more because of the great protection it will give to the housewife and consumers in general do I favor this bill. There are one or two provisions which, I think, need some consideration, and that is the reason why I take the floor. I gleaned from the explanation of this bill of a week ago that any barrel of the same form having a thicker stave, though it had a cubical content of 7.056 inches, would be permitted under this bill, and yet I find here in line 1, page 2, a provision authorizing one when of a different form. So, if it had the similarity of form, this provision would not permit of a different thickness of stave, so I would suggest to the author of the bill a substitution of the word "measurements" for "form," so as to permit of a barrel of the same outward form as a standard barrel with a thicker stave, though it may have the same content. Next, I want to direct attention to a matter that has not been considered as much as it should be, and that is the last proviso:

*Provided, however, That nothing in this act shall apply to barrels used in packing and shipping commodities sold exclusively by weight or numerical count.*

Why should you limit it in the case of commodities sold exclusively? Why should not you make the provisions of this act apply when the commodities are shipped or sold by weight and numerical count. Therefore, Mr. Speaker, I offer an amendment, on page 2, line 1, to strike out the first "a" and the word "form" and insert "measurement"; and also an amendment, on page 3, in the last proviso to section 3, to strike out the word "exclusively" and after the word "commodities" insert "when," so that with the first amendment it will read: "Provided, That any barrel of different measurements having a capacity of 7.056 cubic inches to be a standard barrel"; and with the second amendment the last proviso will read: "Provided, however, That nothing in this act shall apply to barrels used in packing or shipping commodities when sold by weight or numerical count." That will remove some of the objections that have been raised against this bill. I ask to have the amendments reported.

The SPEAKER pro tempore. The Clerk will report the amendments.

The Clerk read as follows:

Page 2, line 1, strike out "a," after the word "of," and insert "any." And strike out the word "form" and insert the word "measurement." Page 3, line 18, after the word "commodities," insert the word "when," and after the word "sold," in the same line, strike out the word "exclusively."

Mr. STAFFORD. Mr. Speaker, I think the Clerk made a little mistake in the first amendment. I did not substitute "any" for "a." I understood him to report "any different measurement." The words I wish to have are "barrel of different measurement."

Mr. CRAMTON. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore (Mr. SAUNDERS). Fifteen minutes.

Mr. CRAMTON. The bill pending, if it were to be in constitutional form, would necessarily have to be confined either to

interstate commerce or be in such form as to be only the exercise of our power to fix a standard of measure. This bill meets neither of these requirements. It is so framed as to apply to intrastate commerce as well as to interstate commerce, and it not only attempts to fix certain standards of measurement, but goes further and attempts to regulate commerce otherwise than would be involved in simply a matter of defining a standard. That the purpose of the bill is not primarily to fix a standard, but that it is to regulate commerce, appears from a consideration of its provisions. It is said that what we primarily want to do is to so define a barrel that when a man makes a contract and says "barrel" it will be understood just what he means, no matter what State he may be in. And still there is no provision in the bill for the branding of that barrel in order to indicate that it is a standard barrel, and the amendment that I have pending, providing for the branding of the standard barrel and providing that when a contract is drawn specifying "barrel" it shall be held to be the standard barrel, the committee declines to accept. The purpose of it is not only to fix the standard of measurement, to find out how large the barrel shall be, but it is, rather, to define what shape of barrel shall go through commerce, both interstate and intrastate, and the kind of shape it shall be for the convenience of shippers and jobbers. Now, however desirable that may be, it is an absolute certainty that we can not here regulate those things as to intrastate commerce.

Now, I have been interested in hearing the arguments on this proposition from its advocates. A good deal of attention has been given to it by the gentlemen representing the cranberry districts, and they come here, in the first place, and tell us that the cranberry interests already have a standardized barrel used by 98 per cent of the industry, and still they absolutely must have a mandatory Federal law in order to secure the standard which they already have to the extent of 98 per cent. And then these same gentlemen who are urging that we must have a standard cranberry barrel of one special size refuse to come under the standard proposed for all other commodities—refuse to accept the general standard—are most vociferous in demanding that the standard which they can not use and will not have shall be forced on every other industry. It seems to me it is somewhat of a presumption for one industry to refuse to accept a standard to which it insists that everybody else must conform.

Now, if the purpose of it is to specify what a standard is, specify the standard, then the logical thing to do is to stipulate what that standard is, provide for its marking, and then punish any false statements in such branding, but not to go to the extent of prohibiting the use of a small barrel or making inconvenient the use of a larger barrel by those trades which find it necessary to use a different sized container.

A good deal of difficulty comes from the fact that the word "barrel" has two meanings—one as a standard of measure and the other merely as a container. It has been brought out that the sugar barrel is a larger measure, and therefore, we are told, will not be interfered with. Can not the gentleman understand the confusion which may come if I contract for 100 barrels of sugar and it comes to me in a barrel larger than the standard measure, and the question may arise as to whether the 100 barrels of sugar meant 100 packages put up in the ordinary sugar barrel or 100 times the standard fixed in this bill?

Mr. ASHBROOK. Will the gentleman yield to a question?

Mr. CRAMTON. Very briefly.

Mr. ASHBROOK. How would the gentleman buy the sugar—by the barrel or by the pound?

Mr. CRAMTON. I may buy it by the barrel; and if I do, it is not "exclusively" sold by weight or count.

Mr. ASHBROOK. But if you buy it by the barrel it would be sold by weight.

Mr. CRAMTON. That is the question—whether the word "barrel" meant the standard measure or the container.

Mr. ADAMSON. Will the gentleman yield?

Mr. CRAMTON. Briefly.

Mr. ADAMSON. It is unnecessary to remind the gentleman that under the regulation of commerce he may buy that type of barrel. But I want to ask him if it is not a little remarkable that he fails to comprehend the position of the gentlemen here who contend that if you just call this a bill to establish a standard of measurement you can get by with it, although by its terms it is plainly a regulation of commerce?

Mr. CRAMTON. Some of these gentlemen seem to think the courts will construe it according to what we say it is rather than what it really is.

Mr. MADDEN. Will the gentleman yield to me?

Mr. CRAMTON. Very briefly.

Mr. MADDEN. You are arranging for the standard barrel. Would that prohibit anybody from selling by weight?



Mr. CRAMTON. No; but it does this: It prohibits me from selling in a barrel, even if I sell by weight.

Mr. ASHBROOK. Oh, no.

Mr. CRAMTON. That is the plain language.

Mr. ASHBROOK. In a barrel as a barrel.

Mr. CRAMTON. The bill proposes that it shall be unlawful "to expose for sale a barrel containing fruit or vegetables of less capacity than a standard barrel," even if I expose them for sale by weight.

Mr. ASHBROOK. Go on and read it. It says: "A barrel containing."

Mr. CRAMTON. Certainly; a barrel under standard, although I mark on it that it is under standard and it contains fruit which I propose to sell you by the bushel.

Mr. MADDEN. Suppose I had a lot of oats and corn to sell, and I offered to sell to you oats at 32 pounds to the bushel and corn at 72 pounds to the bushel, and you bought them and I put them in a barrel, after I weighed them, and they do not fill the barrel. Would that make it illegal?

Mr. CRAMTON. Well, I do not know that that question is very material.

Mr. MADDEN. It ought to be. I think it is a very important question.

Mr. ASHBROOK. You sell that corn and oats by the pound and not by the barrel, do you not?

Mr. CRAMTON. I regret I can not yield. My time is limited. I conceive the purpose of the Constitution was to authorize us to define the standard. Now, if this bill will define what the standard barrel is then we have fixed a standard which any man entering into a contract can use and depend upon; and if gentlemen in the potato industry or in the apple industry are so desirous of having this standard fixed, as we are told, there will be nothing to prevent their using, after we have defined it, the barrel which they are demanding shall be defined, even if we do not penalize them for not using the kind of barrel they say they must have and we have defined.

Hence the amendments which I have offered, and which are pending, propose simply in the first section to provide that when a barrel does conform to the standard fixed in this first section the man using that barrel shall be authorized to obtain the benefit of that fact by branding the barrel in a certain way, as "U. S. standard barrel," or as "U. S. standard cranberry barrel." And further, that the contract containing the ordinary barrel, as to any of these commodities, shall be construed to mean this standard barrel.

I have moved to amend section 2, so that we shall not try to punish the use of any particular kind of barrel container, but we will punish the fraud involved in any misbranding of a barrel. And in this connection let me call your attention to the fact that there is a good deal of uncertainty as to what will be the construction under section 2, because in the first section we provide two standard barrels, and in the second section we provide that if anyone sells, and so forth, a barrel containing certain commodities of less capacity than these standard barrels he shall be guilty of violation of this law. That is to say, if I put up a barrel of apples in a barrel smaller than the standard barrel, but not as small as the standard cranberry barrel, or perhaps put the apples in a standard cranberry barrel, there is a question under section 2, as now drawn, whether or not I have violated the law, because my barrel is not smaller than either of the barrels provided in section 1.

My third amendment would be simply to make a little more certain the method of enforcement. If my amendment, especially to section 2, providing only for a penalty for misbranding, carries, we will have a law which will provide a standard which anybody can use and which will govern all contracts, but will not penalize those who ignorantly or through reasons of convenience attempt to use a barrel not in strict conformity with the requirements of the standard. The demands of the trade will in the bulk of cases force the use of the standard barrel, and just as has been the case of the Sulzer bill, everything will be accomplished that it is desired to accomplish.

Mr. BROWNE of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes; I yield.

Mr. BROWNE of Wisconsin. Does not the gentleman believe that in view of the fact that the various States are making a standard barrel, and making that mandatory, the Government law, going in and simply making it optional, would have very little effect? And let me ask the gentleman just one other question—

Mr. CRAMTON. I can not yield further, Mr. Speaker.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. BROWNE of Wisconsin. I have not finished my question.

Mr. CRAMTON. I will yield if the gentleman will be very brief.

Mr. BROWNE of Wisconsin. I will be brief.

Mr. CRAMTON. Very well.

Mr. BROWNE of Wisconsin. The Michigan statute fixes a smaller standard and makes it mandatory.

Mr. CRAMTON. The power of this Congress is to specify what is the standard barrel, and if I in Michigan contract with the gentleman in Wisconsin for 100 barrels of apples, and there is a Federal standard fixed, there can be no question as to what standard will govern the contract.

Mr. Speaker, I reserve the balance of my time.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MANN. Did the gentleman from Michigan offer amendments that are pending?

Mr. CRAMTON. At our last session on this bill I did.

The SPEAKER pro tempore. The Chair understands that he did.

Mr. MANN. I know he has just given notice of it.

Mr. CRAMTON. I actually offered them.

The SPEAKER pro tempore. The Chair so understands.

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Michigan yield to the gentleman from Iowa?

Mr. CRAMTON. Mr. Speaker, how much time have I?

The SPEAKER pro tempore. The gentleman has three minutes.

Mr. CRAMTON. I want to be sure to have enough time to have the amendments reported.

Mr. MANN. They are pending now if they have been reported once.

Mr. CRAMTON. I understand, then, that the Chair holds that the amendments which I presented a week ago have been offered and are before us?

The SPEAKER pro tempore. The Chair so understands.

Mr. TOWNER. Mr. Speaker, will the gentleman yield to me for the purpose of offering an amendment?

Mr. CRAMTON. Yes.

Mr. TOWNER. Mr. Speaker, I offer as a substitute for section 2 an amendment which I send to the Clerk's desk and ask to have read.

The purpose of this amendment is not to change the substance of the bill at all, but to relieve any person of any anxiety in regard to the language of section 2, which some people interpret, as I think, without justification, as meaning if we sell from a barrel or in a barrel it must be a standard barrel.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Iowa [Mr. TOWNER]. The Clerk read as follows:

Page 2, line 11, strike out section 2 and insert in lieu thereof the following:

"That it shall be unlawful in any State or Territory or the District of Columbia to sell as a barrel or to offer or contract for sale by the barrel any fruit or vegetables in any container so designated as a barrel if said barrel is of a less capacity than the standard barrel as defined in section 1 of this act, and any person guilty of a violation of any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be liable to a fine not to exceed \$500, or imprisonment not to exceed six months, or both, at the discretion of the court."

Mr. STAFFORD. Will the gentleman from Iowa yield for a question?

Mr. TOWNER. Certainly.

Mr. STAFFORD. The gentleman does not make any provision for the fractions of a barrel—one-third, one-half, and three-quarters, as provided in the original bill. He only makes provision for the standard barrel.

Mr. TOWNER. That is entirely unnecessary, because if the standard barrel is fixed, then a half barrel must contain one-half that, of course.

Mr. ASHBROOK. I yield to the gentleman from Massachusetts [Mr. THACHER].

Mr. THACHER. Mr. Speaker, I wish to give my hearty and emphatic indorsement to this meritorious bill drawn in the interests of the farmers and fruit growers and consumers alike.

The sixteenth congressional district of Massachusetts, which I have the honor to represent in the Congress, produces one-half of the entire crop of cranberries raised in the United States, and as evidence that the 2,000 cranberry growers of this congressional district strongly favor the passage of the Tuttle standard barrel bill, H. R. 4899, I present the following telegram from Mr. John C. Makepeace, president of the Cape Cod Cranberry Growers' Association:

WAREHAM DEPOT, MASS., January 11, 1915.

THOMAS C. THACHER,

House of Representatives, Washington, D. C.:

As the direct representative of 2,000 Cape Cod cranberry growers I urge you to put forth every effort to promote passage of House bill



4890, which provides mandatory national standard cranberry barrel. Rejection of this measure would result in much confusion and greatly hamper distribution of our product.

J. C. MAKEPEACE,  
President Cape Cod Cranberry Growers' Association.

Mr. ASHBROOK. I yield two minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER. Mr. Speaker, the gentleman from Georgia [Mr. ADAMSON] says that this proposition to fix a standard measure is an attempt to regulate commerce, and he declares it unconstitutional because, as he alleges, it seeks to regulate intrastate commerce. But it is no more an attempt to regulate intrastate commerce than the fixing of a standard dollar is an attempt to regulate such commerce. The Constitution gives to Congress the power—

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

In each case—

Mr. WINGO. Will the gentleman yield?

Mr. COOPER. I can not now; I have not the time. In each case the power of Congress is without restriction or qualification. Under that clause of the Constitution Congress has the power to provide that a certain standard dollar shall be the standard of value and be the only dollar used in any State; but that clause also gives to Congress identically the same authority to fix a standard of measure. If under that clause Congress can establish a standard dollar, then under the same clause it can establish a standard measure.

If Congress can establish a standard dollar and compel—as it does compel—the use of that dollar in both interstate and intrastate commerce, then Congress can also establish a standard measure and compel the use of that measure in both interstate and intrastate commerce.

Gentlemen object to the law being made mandatory, and they object to the penalty for its violation. But we could not establish a standard dollar unless we could compel its use. Nor can we fix a standard measure unless we compel its use. Neither a dollar nor a measure is "fixed" if its use in commerce is left optional. The law now punishes the using in commerce of anything except the standard dollar as a dollar. How can we effectively fix a standard barrel unless we provide a penalty for using anything except the standard barrel as a barrel? The power to provide such penalty is necessarily implied from the very nature of the case.

Mr. SUMNERS. Will the gentleman yield?

Mr. COOPER. I have not the time. I can not yield.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. COOPER. The Constitution in a subsequent clause provides—

that Congress shall have the power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers.

This clause was construed in the case of McCollough against Maryland by the Supreme Court of the United States, Chief Justice Marshall for the court declaring, as gentlemen will remember, that under this clause if the end be legitimate and within the scope of the Constitution, then all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but are in accord with the letter and spirit of the Constitution, are constitutional. By way of example, as gentlemen will also recall, the court called attention to that provision of the Constitution which gives Congress power "to establish post offices and post roads" and to the fact that from this express grant of power there had been inferred the power to carry the mail, and from this the power to arrest and punish persons who rob the post office.

This reasoning makes it clear that Congress has the power under the Constitution to establish a standard of measure and fix penalty, as provided in the pending bill.

Mr. ASHBROOK. I suggest that the gentleman from Michigan [Mr. CRAMTON] use the remainder of his time.

The SPEAKER. The gentleman has two minutes.

Mr. CRAMTON. I yield that time to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Speaker, the gentleman from Wisconsin [Mr. COOPER] in answering the argument of the gentleman from Georgia [Mr. ADAMSON] does not get the distinction clearly. It is true that Congress has the authority to fix the measure of the dollar, but Congress does not undertake to say that the dollar shall have rough or smooth edges, that it shall be so thick, or that it shall be round or square, but it fixes the unit of measure, the amount of the metal in grains that should go into it. That is the unit of measure, not the unit of its size or shape.

Mr. ADAMSON. And you do not haul apples in it, either.

Mr. WINGO. No; you do not haul apples in it. There is a clear distinction between fixing a unit of measure and the size, shape, and texture of a container. There is quite a distinction there.

Mr. COOPER. Will the gentleman yield to me 30 seconds?

Mr. WINGO. If I have the 30 seconds, I will yield it to the gentleman from Wisconsin.

Mr. COOPER. Mr. Speaker, the difference which the gentleman points out exists simply because the measure by which we determine the amount or weight of any commodity is in its very nature and purpose different from the piece of gold by which we measure the value of all commodities. But if Congress has the power—and it has—to prescribe not only the number of grains of gold which a standard dollar shall contain, but also to prescribe the form, thickness, and diameter of the standard dollar, then Congress has the power to prescribe not only the number of cubic inches which a standard barrel shall contain, but also to prescribe the form, thickness, and diameter of the standard barrel; and it has the authority further to provide that no one shall in commerce use anything else than the standard dollar and the standard barrel as a dollar or a barrel.

Mr. ASHBROOK. I yield the remainder of my time to the gentleman from South Dakota [Mr. DILLON].

The SPEAKER. The gentleman from South Dakota is recognized for four minutes.

Mr. DILLON. Mr. Speaker, this constitutional argument has been somewhat amusing. I can not agree with the gentleman from Arkansas [Mr. WINGO] or the gentleman from Georgia [Mr. ADAMSON] in reference to the helpless condition in which Congress would thus be placed. For more than 125 years we have had a barrel measure. We have had the liquid barrel and we have the dry barrel. In 1824 England declared what should constitute a barrel measure. Numerous States have declared in mandatory terms what shall constitute a barrel measure. It is not a question of interstate commerce, the power is expressly granted by the Constitution; interstate commerce is a mere incident. Will anybody doubt that Congress has the power to prescribe the form of money which shall be issued, and if the Congress wants to put a hole in the center of it and prescribe the form or size of it, it can do so? Congress can say what kind of metal shall constitute money; it has the power to say what kind of a money stamp shall be placed upon a piece of wood one-sixteenth of an inch in thickness. That is the power that has been granted to Congress, and it is not so helpless that it can not prescribe all the elements that go into the making of these standards. If it were true, as the gentleman from Arkansas [Mr. WINGO] states, the States could take it out of the hands of Congress and make the congressional power absolutely void and of no effect.

Mr. SUMNERS. Will the gentleman yield?

Mr. DILLON. Yes; for a question.

Mr. SUMNERS. I want to direct the gentleman's attention to section 2 of the bill dealing with the intrastate shipments. Does it not occur to the gentleman that the committee has undertaken to standardize the container instead of the unit of measure?

Mr. DILLON. Mr. Chairman, I can not yield further. I want to refer briefly to the cranberry barrel. We had before the committee as many as 25 or 30 dealers. They were unanimous in the opinion that it was necessary to have a special cranberry barrel. The cranberry barrel has straight staves. The reason for that is that they can not use the curved-stave barrels, because in the packing of the cranberries they would heat, and you can not get the proper pressure on them if the barrel has a bulge. When cranberries are packed they are put under a certain pressure, and you can only use that pressure on a barrel with straight staves and not upon the circular or bent stave barrel. That was the reason that the entire trade requested the special barrel. They could not use a curved-stave barrel for packing cranberries. A half dozen States have fixed the weight of a bushel of cranberries. The purpose of the bill is to standardize the barrel. We can not get along with permissive laws. They do not get us anywhere. It is only through mandatory acts of Congress that we will ever have any standard weights and measures in this country. There are 48 States legislating on these questions, and we must pass not permissive laws but mandatory laws.

Mr. CRAMTON. Mr. Speaker, What amendments come first?

The SPEAKER pro tempore (Mr. FLOYD of Arkansas). The committee amendments come first, and the Clerk will report the first committee amendment.

The Clerk read as follows:

Page 2, line 18, strike out the word "subdivision" and insert "subdivisions."

The amendment was agreed to.



The Clerk read as follows:

Page 2, line 18, after the word "the," insert the word "third."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 18, after the word "half," insert the words "and three-quarters."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 20, strike out the following language: "liable to a penalty of \$1 and costs for each barrel so unlawfully sold or offered for sale, as the case may be, to be recovered at the suit of the United States in any," and insert the following language: "deemed guilty of a misdemeanor and be liable to a fine not to exceed \$500, or imprisonment not to exceed six months, in the."

The amendment was agreed to.

The Clerk read as follows:

Page 3, line 1, strike out the following proviso:

"Provided, however, That no barrel shall be deemed below standard within the meaning of this act when shipped to any foreign country and constructed according to the specifications or directions of the foreign purchaser if not constructed in conflict with the laws of the foreign country to which the same is intended to be shipped."

The SPEAKER. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. MANN) there were 47 ayes and 13 noes.

Mr. FINLEY. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER pro tempore. The gentleman from South Carolina makes the point of order that no quorum is present. Evidently no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. All those in favor of the amendment will, when their names are called, vote "aye" and those opposed will vote "no."

Mr. FARR. Mr. Speaker, I ask to have the amendment again reported.

The SPEAKER pro tempore. Without objection, the amendment will again be reported.

The Clerk again reported the amendment.

The question was taken; and there were—yeas 94, nays 219, not voting 111, as follows:

## YEAS—94.

Abercrombie	Dillon	Heflin	Peterson
Adair	Donovan	Helvering	Porter
Ashbrook	Doughton	Holland	Pou
Baltz	Eagle	Hughes, Ga.	Raker
Beall, Tex.	Esch	Hughes, W. Va.	Reed
Bowdle	Fergusson	Johnson, Ky.	Rucker
Brockson	Ferris	Johnson, Wash.	Seldomridge
Brown, N. Y.	Fess	Jones	Slayden
Brown, W. Va.	FitzHenry	Kennedy, Conn.	Slomp
Browne, Wis.	Flood, Va.	Kindel	Summers
Browning	Frear	Kirkpatrick	Talbott, Md.
Buchanan, Tex.	Gallivan	Langham	Talcott, N. Y.
Burgess	Gard	Langley	Taylor, Ark.
Burke, Wis.	Garner	Levy	Thacher
Burnett	Gillett	Linthicum	Towner
Caraway	Gilmore	Loneragan	Tuttle
Claypool	Glass	Madden	Underwood
Cline	Godwin, N. C.	Mahan	Vare
Cooper	Goeke	Mitchell	Watkins
Cox	Goulden	Montague	Weaver
Curry	Green, Iowa	Murray	Whaley
Deltrick	Gregg	Neely, W. Va.	White
Dies	Haugen	O'Hair	
Difenderfer	Hay	Padgett	

## NAYS—219.

Adamson	Connolly, Iowa	Garrett, Tenn.	Howard
Alexander	Conry	Garrett, Tex.	Howell
Anthony	Copley	Humphrey, Wash.	Hull
Aswell	Cramton	Gill	Humphreys, Miss.
Bailey	Crisp	Gittins	Jacoway
Baker	Crosser	Good	Johnson, S. C.
Barkley	Cullop	Goodwin, Ark.	Keating
Bartholdt	Danforth	Gordon	Kelley, Mich.
Partlett	Davenport	Gorman	Kelly, Pa.
Reakes	Decker	Graham, Ill.	Kent
Ball, Cal.	Dent	Gray	Kettner
Backmon	Dershlem	Greene, Mass.	Kinkaid, Nebr.
Booher	Dickinson	Griffin	Kinkaid, N. J.
Borchers	Dixon	Gudger	Kitchin
Borland	Donohoe	Guernsey	Knowland, J. R.
Britten	Doolittle	Hamill	Konop
Brumbaugh	Doremus	Hamilton, Mich.	Korbly
Bryan	Driscoll	Hamilton, N. Y.	Lafferty
Buchanan, Ill.	Drukker	Hamlin	La Follette
Bulkley	Dupré	Hardy	Lee, Ga.
Burke, S. Dak.	Eagan	Harrison	Lee, Pa.
Byrnes, S. C.	Edwards	Hart	Lenroot
Byrns, Tenn.	Evans	Hawley	Leshner
Callaway	Farr	Hayden	Lever
Cantrill	Fields	Hayes	Lieb
Carlin	Finley	Helgesen	Lindbergh
Cary	Fitzgerald	Helm	Lloyd
Casey	Floyd, Ark.	Henry	Lobeck
Chandler, N. Y.	Fordney	Hensley	Logue
Clark, Fla.	Foster	Hill	McAndrews
Collier	Gallagher	Hinds	McGillicuddy
Connelly, Kans.	Gardner	Houston	McKellar

McKenzie  
McLaughlin  
MacDonald  
Maguire, Nebr.  
Mann  
Mapes  
Martin  
Metz  
Miller  
Mondell  
Moon  
Moore  
Morgan, La.  
Morgan, Okla.  
Morrison  
Moss, Ind.  
Mulkey  
Murdock  
Nelson  
Norton  
Oldfield  
Page, N. C.  
Paige, Mass.

Park  
Parker, N. J.  
Parker, N. Y.  
Phelan  
Platt  
Plumley  
Quin  
Ragsdale  
Rainey  
Rauch  
Rayburn  
Reilly, Wis.  
Rogers  
Rouse  
Rube  
Rupley  
Russell  
Sabath  
Saunders  
Shackelford  
Sherley  
Sherwood  
Sims

Sinnott  
Sloan  
Small  
Smith, Idaho  
Smith, J. M. C.  
Smith, Minn.  
Smith, N. Y.  
Smith, Saml. W.  
Smith, Tex.  
Stafford  
Stedman  
Stephens, Cal.  
Stephens, Miss.  
Stephens, Nebr.  
Stephens, Tex.  
Stevens, Minn.  
Stone  
Stringer  
Sutherland  
Switzer  
Tavener  
Taylor, Ala.  
Taylor, Colo.

Temple  
Ten Eyck  
Thomas  
Thompson, Okla.  
Treadway  
Tribble  
Underhill  
Vaughan  
Vinson  
Vollmer  
Volstead  
Walker  
Wallin  
Walsh  
Walters  
Watson  
Webb  
Williams  
Wingo  
Woods  
Young, N. Dak.  
Young, Tex.

## NOT VOTING—111.

Aiken  
Ainey  
Allen  
Anderson  
Austin  
Avis  
Barchfeld  
Barnhart  
Barton  
Bathrick  
Bell, Ga.  
Brodbeck  
Broussard  
Bruckner  
Burke, Pa.  
Butler  
Calder  
Campbell  
Candler, Miss.  
Cantor  
Carew  
Carr  
Carter  
Church  
Clancy  
Coady  
Dale  
Davis

Dooling  
Dunn  
Edmonds  
Elder  
Estopinal  
Fairchild  
Faison  
Falconer  
Fowler  
Francis  
French  
George  
Gerry  
Goldfogle  
Graham, Pa.  
Greene, Vt.  
Griest  
Harris  
Hinebaugh  
Hobson  
Hoxworth  
Hulings  
Igoe  
Johnson, Utah  
Kahn  
Keister  
Kennedy, Iowa  
Kennedy, R. I.

Key, Ohio  
Kiess, Pa.  
Kreider  
Lazaro  
L'Engle  
Lewis, Md.  
Lewis, Pa.  
Lindquist  
Loft  
McClellan  
McGuire, Okla.  
Maher  
Manahan  
Morin  
Moss, W. Va.  
Mott  
Neeley, Kans.  
Nolan, J. I.  
O'Brien  
Oglesby  
O'Shaunessy  
Palmer  
Patten, N. Y.  
Patton, Pa.  
Peters  
Post  
Powers  
Price

Prouty  
Reilly, Conn.  
Riordan  
Roberts, Mass.  
Roberts, Nev.  
Rothermel  
Scott  
Scully  
Sells  
Shreve  
Sisson  
Smith, Md.  
Sparkman  
Stanley  
Steenerson  
Stevens, N. H.  
Stout  
Taggart  
Taylor, N. Y.  
Thomson, Ill.  
Townsend  
Whitacre  
Wilson, Fla.  
Wilson, N. Y.  
Winslow  
Witherspoon  
Woodruff

So the amendment was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. RIORDAN with Mr. SHREVE.

Mr. BRUCKNER with Mr. MOSS of West Virginia.

Mr. DALE with Mr. AINEY.

Mr. GOLDFOGLE with Mr. DUNN.

Mr. BELL of Georgia with Mr. PETERS.

Mr. IGOE with Mr. LEWIS of Pennsylvania.

Mr. WILSON of Florida with Mr. ROBERTS of Nevada.

Mr. SCULLY with Mr. KENNEDY of Iowa.

Mr. AIKEN with Mr. BARCHFELD.

Mr. ALLEN with Mr. BARTON.

Mr. BARNHART with Mr. ANDERSON.

Mr. BROUSSARD with Mr. AUSTIN.

Mr. CANDLER of Mississippi with Mr. AVIS.

Mr. CARTER with Mr. BURKE of Pennsylvania.

Mr. COADY with Mr. BUTLER.

Mr. DOOLING with Mr. CAMPBELL.

Mr. ESTOPINAL with Mr. DAVIS.

Mr. FAISON with Mr. EDMONDS.

Mr. KEY of Ohio with Mr. FALCONER.

Mr. LAZARO with Mr. FAIRCHILD.

Mr. LEWIS of Maryland with Mr. FRENCH.

Mr. LOFT with Mr. GREENE of Vermont.

Mr. MAHER with Mr. GRAHAM of Pennsylvania.

Mr. NEELEY of Kansas with Mr. GRIEST.

Mr. O'BRIEN with Mr. HINEBAUGH.

Mr. OGLESBY with Mr. HULINGS.

Mr. O'SHAUNESSY with Mr. JOHNSON of Utah.

Mr. PALMER with Mr. KAHN.

Mr. PATTEN of New York with Mr. KEISTER.

Mr. POST with Mr. KIESS of Pennsylvania.

Mr. PRICE with Mr. KREIDER.

Mr. REILLY of Connecticut with Mr. LINDQUIST.

Mr. ROTHERMEL with Mr. J. I. NOLAN.

Mr. SISSON with Mr. PATTON of Pennsylvania.

Mr. SMITH of Maryland with Mr. PROUTY.

Mr. SPARKMAN with Mr. ROBERTS of Massachusetts.

Mr. STANLEY with Mr. SCOTT.

Mr. STOUT with Mr. SELLS.

Mr. TAGGART with Mr. STEENERSON.

Mr. TOWNSEND with Mr. POWERS.

Mr. TAYLOR of New York with Mr. THOMSON of Illinois.



Mr. BATHRICK with Mr. WINSLOW.

Mr. BRODBECK with Mr. WOODRUFF.

Mr. McCLELLAN with Mr. MOTT.

Mr. CANTOR with Mr. MORIN.

Mr. CARR with Mr. MANAHAN.

Mr. ELDER with Mr. McGUIRE of Oklahoma.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. ASHBROOK—

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. I thought there was another committee amendment offered on the floor.

The SPEAKER. This is the amendment.

The Clerk read as follows:

Page 3, line 20, strike out the word "fifteen" and insert the word "sixteen."

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON—

Mr. CRAMTON. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Michigan rise?

Mr. CRAMTON. Mr. Speaker, I rise to ask unanimous consent that the two amendments which I offered to sections 1 and 2 may be both reported at this time and that the second amendment be first voted on.

The SPEAKER. The gentleman from Michigan asks unanimous consent to have both amendments to sections 1 and 2 reported and to vote on the second one first.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WINGO. Did not the unanimous-consent agreement carry with it that we should vote on these amendments in the order in which they were offered?

Mr. ASHBROOK. It did.

Mr. WINGO. All the amendments.

Mr. CRAMTON. I thought that by unanimous consent that could be changed in this instance in order to save some confusion.

Mr. WINGO. Is the gentleman's amendment next in order?

Mr. ASHBROOK. Mr. Speaker, in view of the confusion that might follow, I shall object.

The SPEAKER. The gentleman from Ohio objects. The Clerk will report the next amendment.

The Clerk read as follows:

First amendment offered by Mr. CRAMTON: Page 2, line 10, after the word "inch," insert the following:

"Barrels complying with the provisions of this section may be branded 'United States Standard Barrel' or 'United States Standard Cranberry Barrel,' as the case may be. In all contracts when goods are sold by the barrel the word 'barrel' shall be construed to mean a barrel of the capacity herein defined."

The question was taken, and the Speaker announced the yeas seemed to have it.

Mr. CRAMTON. Mr. Speaker, I make the point of no quorum.

Mr. WINGO. Ask for a division.

Mr. CRAMTON. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Michigan asks for a division.

The House divided; and there were—yeas 39, yeas 74.

Mr. CRAMTON. Mr. Speaker, I make the point of order of no quorum present.

The SPEAKER. The Chair will count.

Mr. CRAMTON. Mr. Speaker, pending that, I renew my request for unanimous consent.

Mr. HAY. Mr. Speaker, regular order.

The SPEAKER. Two hundred and seven Members are present—not a quorum.

Mr. ASHBROOK. Tellers, Mr. Speaker.

The SPEAKER. The gentleman demands tellers as to whether there is a quorum here or not.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. The rules provide that the Speaker shall ascertain by actual count whether a quorum is present. I do not know where there is authority for having tellers.

SEVERAL MEMBERS. Regular order!

Mr. ASHBROOK. I simply made it, hoping that a quorum might develop and save a roll call.

Mr. CRAMTON. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is the roll call.

Mr. CRISP. Mr. Speaker, I ask unanimous consent that the amendment may be read, so that we may know what we are voting on.

The SPEAKER. Without objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

Mr. THOMAS. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. THOMAS. I rise for a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. THOMAS. Is it in order now to move to strike out the enacting clause of this bill?

Mr. MANN. Certainly not; we are now voting on an amendment.

The SPEAKER. The business before the House is to vote on this amendment. The Chair thinks as soon as that amendment—

Mr. MANN. Mr. Speaker, the Chair had better not make any decision on that. No new amendment can be offered; a motion to strike out is an amendment, and we have passed the stage of offering an amendment.

The SPEAKER. That is true; the Chair had forgotten the unanimous-consent agreement. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 62, yeas 240, answered "present" 1, not voting 121, as follows:

#### YEAS—62.

Adair	Goulden	Morrison	Smith, Saml. W.
Adamson	Gregg	Moss, Ind.	Steenerson
Bell, Cal.	Griffin	Oldfield	Stephens, Cal.
Blackmon	Gudger	Page, N. C.	Stephens, Tex.
Brockson	Hamlin	Parker, N. J.	Taylor, Ark.
Callaway	Harris	Pou	Taylor, Colo.
Collier	Hay	Quin	Underwood
Cramton	Hayes	Raker	Vaughan
Dixon	Henry	Rayburn	Volstead
Drukker	Jacoway	Reed	Weaver
Ferris	Johnson, Ky.	Rogers	Williams
Finley	Kelley, Mich.	Russell	Wingo
Floyd, Ark.	Mapes	Saunders	Woods
Foster	Metz	Shackleford	Young, N. Dak.
Garrett, Tenn.	Morgan, La.	Sherwood	
Gillett	Morgan, Okla.	Smith, J. M. C.	

#### NAYS—240.

Abercrombie	Dershem	Hobson	Montague
Alexander	Dickinson	Holland	Moon
Anthony	Dies	Houston	Moore
Ashbrook	Dillon	Howard	Mulkey
Aswell	Donohoe	Howell	Murdock
Bailey	Donovan	Hughes, Ga.	Murray
Baker	Doolittle	Hull	Neely, W. Va.
Baltz	Doremus	Humphrey, Wash.	Nelson
Barkley	Dupré	Humphreys, Miss.	Norton
Barnhart	Eagan	Johnson, Utah	O'Hair
Bartlett	Esch	Johnson, Wash.	O'Shaunessy
Beakes	Evans	Jones	Padgett
Borchers	Farr	Keating	Paige, Mass.
Borland	Fergusson	Kelly, Pa.	Palmer
Britten	Fess	Kennedy, Conn.	Park
Brown, N. Y.	Fields	Kent	Parker, N. Y.
Browne, Wis.	FitzHenry	Kettner	Peterson
Browning	Flood, Va.	Kless, Pa.	Phelan
Brumbaugh	Fordney	Kinkaid, Nebr.	Plumley
Bryan	Francis	Kinkaid, N. J.	Porter
Buchanan, Ill.	Frear	Kirkpatrick	Prouty
Buchanan, Tex.	French	Kitchin	Ragsdale
Bulkeley	Gallagher	Knowland, J. R.	Rainey
Burgess	Gallivan	Konop	Reilly, Wis.
Burke, S. Dak.	Gard	Korby	Roberts, Mass.
Burke, Wis.	Gardner	Lafferty	Rouse
Burnett	Garner	La Follette	Rubey
Butler	Garrett, Tex.	Langham	Rucker
Byrnes, S. C.	Gill	Lazaro	Rupley
Byrns, Tenn.	Gillmore	Lee, Ga.	Sherley
Cantrill	Gittins	Lee, Pa.	Sims
Caraway	Glass	Lenroot	Slayden
Carlin	Godwin, N. C.	Leshner	Slomp
Carter	Good	Lever	Sloan
Cary	Goodwin, Ark.	Levy	Small
Casey	Gordon	Lieb	Smith, Idaho
Church	Graham, Ill.	Lindbergh	Smith, Minn.
Clark, Fla.	Gray	Linthicum	Smith, N. Y.
Claypool	Greene, Mass.	Lloyd	Smith, Tex.
Cline	Greene, Vt.	Lobeck	Stafford
Connelly, Kans.	Griest	Logue	Stedman
Connelly, Iowa	Guernsey	Loneragan	Stephens, Miss.
Conry	Hamill	McAndrews	Stephens, Nebr.
Cooper	Hamilton, Mich.	McGillcuddy	Stevens, Minn.
Copley	Hamilton, N. Y.	McKellar	Stevens, N. H.
Cox	Hardy	McKenzie	Stone
Crisp	Harrison	McLaughlin	Stringer
Crosser	Hart	MacDonald	Summers
Cullop	Haugen	Madden	Sutherland
Curry	Hayden	Maguire, Nebr.	Switzer
Danforth	Heflin	Mahan	Talbott, Md.
Davenport	Helgesen	Mann	Talcott, N. Y.
Decker	Helm	Martin	Tavener
Deitrick	Hensley	Miller	Taylor, Ala.
Dent	Hill	Mitchell	Temple



Ten Eyck	Towner	Vare	Watkins
Thacher	Treadway	Vinson	Watson
Thomas	Tribble	Vollmer	Whaley
Thompson, Okla.	Tuttle	Walsh	White
Thomson, Ill.	Underhill	Walters	Young, Tex.

## ANSWERED "PRESENT"—1.

Hinds

## NOT VOTING—121.

Alken	Dooling	Kennedy, Iowa	Reilly, Conn.
Ainey	Doughton	Kennedy, R. I.	Riordan
Allen	Driscoll	Key, Ohio	Roberts, Nev.
Anderson	Dunn	Kindel	Rothermel
Austin	Eagle	Kreider	Sabath
Avis	Edmonds	Langley	Scott
Barchfeld	Edwards	L'Engle	Scully
Bartholdt	Elder	Lewis, Md.	Seldomridge
Barton	Estopinal	Lewis, Pa.	Sells
Bathrick	Fairchild	Lindquist	Shreve
Beall, Tex.	Faison	Loft	Sinnott
Bell, Ga.	Falconer	McClellan	Sisson
Booher	Fitzgerald	McGuire, Okla.	Smith, Md.
Bowdle	Fowler	Maher	Sparkman
Brodbeck	George	Manahan	Stanley
Broussard	Gerry	Mondell	Stout
Brown, W. Va.	Goeke	Morin	Taggart
Bruckner	Goldfogle	Moss, W. Va.	Taylor, N. Y.
Burke, Pa.	Gorman	Mott	Townsend
Calder	Graham, Pa.	Neeley, Kans.	Walker
Campbell	Green, Iowa	Nolan, J. I.	Wallin
Candler, Miss.	Hawley	O'Brien	Webb
Cantor	Helvering	Oglesby	Whitacre
Carew	Hinebaugh	Patten, N. Y.	Wilson, Fla.
Carr	Hoxworth	Patton, Pa.	Wilson, N. Y.
Chandler, N. Y.	Hughes, W. Va.	Peters	Winslow
Clancy	Hulings	Platt	Witherspoon
Coady	Igoe	Post	Woodruff
Dale	Johnson, S. C.	Powers	
Davis	Kahn	Price	
Difenderfer	Keister	Rauch	

So the amendment was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. LEWIS of Maryland with Mr. ANDERSON.

Mr. LOFT with Mr. BURKE of Pennsylvania.

Mr. NEELEY of Kansas with Mr. FAIRCHILD.

Mr. POST with Mr. KAHN.

Mr. TAGGART with Mr. WINSLOW.

Mr. SPARKMAN with Mr. CALDER.

Mr. BOOHER with Mr. BARTHOLDT.

Mr. BROWN of West Virginia with Mr. CURRY.

Mr. RAUCH with Mr. GREEN of Iowa.

Mr. SABATH with Mr. HAWLEY.

Mr. SELDOMRIDGE with Mr. HUGHES of West Virginia.

Mr. WALKER with Mr. LANGLEY.

Mr. WEBB with Mr. MONDELL.

Mr. GOEKE with Mr. PLATT.

Mr. GORMAN with Mr. SINNOTT.

Mr. L'ENGLE with Mr. WALLIN.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors.

Mr. FOWLER. Mr. Speaker, I want to vote on this amendment.

The SPEAKER. The gentleman is too late. The vote has been announced.

Mr. FOWLER. I was trying to get recognition before the Speaker announced the vote. I ask unanimous consent that I may vote on this amendment.

The SPEAKER. The gentleman from Illinois [Mr. FOWLER] asks unanimous consent that his name be called and his vote be recorded on the amendment.

Mr. MANN. Mr. Speaker, I have no objection to the gentleman making the statement, but we have always observed—

The SPEAKER. The gentleman asked unanimous consent—

Mr. MANN. To be recorded now after the vote has been announced?

The SPEAKER. Yes; and if the gentleman wants to object—

Mr. MANN. It has never been done.

The SPEAKER. Does the gentleman object?

Mr. MANN. I certainly do.

The SPEAKER. So does the Chair. [Laughter.]

Mr. FOWLER. Mr. Speaker, I want to be recorded as "present."

The SPEAKER. That is the same as voting, exactly. The statement the gentleman is making now shows that he is present.

Mr. FOWLER. All right.

The SPEAKER. The reporter will record that the gentleman asked to vote, but was not permitted to do so.

The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 2, offered by Mr. CRAMTON: Page 2, line 19, after the word "barrel," insert the words "branded as above provided."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was rejected.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 3, offered by Mr. CRAMTON: Page 3, line 11, after the word "Commerce," strike out all down to and including the word "measures," in line 16, and insert the following:

"It shall be the duty of each district attorney to whom any local sealer of weights and measures or other officer of a State or Territory appointed to enforce the laws of the said State or Territory, respectively, relating to weights and measures, shall present satisfactory evidence of any violation of this act, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States for the enforcement of the penalty herein provided."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. WINGO: Strike out sections 2 and 3.

Mr. WINGO. Mr. Speaker, I ask to withdraw all my amendments except the one which strikes out all after the enacting clause and substitutes other language so as to save time.

The SPEAKER. How many amendments has the gentleman?

Mr. WINGO. There are four or five there.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Arkansas [Mr. WINGO] withdraws all his amendments except one, to strike out everything after the enacting clause and substitute new matter.

For what purpose does the gentleman from Wisconsin rise?

Mr. STAFFORD. To submit an inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. Should not the amendments offered tending to perfect the text be submitted before the amendment in the nature of a substitute is entertained?

The SPEAKER. The arrangement was to take them as they came to them. That is the unanimous-consent agreement. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WINGO: Strike out all after the enacting clause and insert in lieu thereof the following:

"That the standard barrel, dry measure, for the purposes of interstate commerce, shall be deemed to be a container of the capacity of 7,056 cubic inches."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. WINGO. Division, Mr. Speaker.

The House divided; and there were—ayes 37, yeas 81.

Mr. WINGO. Mr. Speaker, I think that that is an important amendment, and I make the point of no quorum.

The SPEAKER. The gentleman from Arkansas makes the point of no quorum. The Chair will count. [After counting.] One hundred and ninety-seven Members are present—not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

Mr. MANN. On the amendment?

The SPEAKER. The vote is on the amendment.

Mr. WINGO. Mr. Speaker, I ask unanimous consent that the amendment be reported again.

The SPEAKER. The gentleman asks unanimous consent to have the amendment again reported. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report it.

The Clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That a standard barrel, dry measure, for the purposes of interstate commerce, shall be deemed to be a container of the capacity of 7,056 cubic inches."

The SPEAKER. The question is on agreeing to the amendment. When the names are called, those in favor of it will answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 67, yeas 226, not voting 131, as follows:

## YEAS—67.

Adair	Collier	Flood, Va.	Howard
Bailey	Connelly, Kans.	Floyd, Ark.	Hughes, Ga.
Bartlett	Cox	Foster	Hull
Borchers	Cramton	Fowler	Jacoway
Brockson	Crisp	Garrett, Tenn.	Johnson, Ky.
Burke, Pa.	Crosser	Garrett, Tex.	Johnson, S. C.
Byrnes, S. C.	Cullop	Goodwin, Ark.	Leshner
Byrnes, Tenn.	Dershem	Gray	McKellar
Callaway	Dickinson	Hay	Morrison
Caraway	Dixon	Hensley	Oldfield
Carlin	Doughton	Hill	Page, N. C.
Cline	FitzHenry	Houston	Peterson



Quin	Russell	Taylor, Ark.	Volstead
Rauch	Shackelford	Taylor, Colo.	Watson
Rayburn	Sisson	Thomas	Weaver
Rouse	Stephens, Miss.	Thompson, Okla.	Wingo
Rubey	Stephens, Tex.	Vaughan	

## NAYS—226.

Abercrombie	Fitzgerald	Kirkpatrick	Ragsdale
Adamson	Fordney	Kitchin	Rainey
Alexander	Frear	Knowland, J. R.	Raker
Anthony	French	Konop	Reilly, Wis.
Ashbrook	Gallagher	Korbly	Roberts, Mass.
Aswell	Gallivan	Lafferty	Rogers
Baker	Gard	La Follette	Rucker
Baltz	Gardner	Langham	Rupley
Barnhart	Garner	Lazaro	Sherley
Bathrick	Gill	Lee, Ga.	Sims
Beakes	Gillett	Lenroot	Slayden
Bell, Cal.	Gilmore	Lever	Slomp
Blackmon	Gittins	Levy	Sloan
Borland	Glass	Lieb	Small
Britten	Godwin, N. C.	Lindbergh	Smith, Idaho
Brown, N. Y.	Good	Lloyd	Smith, J. M. C.
Browne, Wis.	Gordon	Lobeck	Smith, Minn.
Browning	Goulden	Loneragan	Smith, N. Y.
Buchanan, Ill.	Graham, Ill.	McAndrews	Smith, Saml. W.
Buchanan, Tex.	Greene, Mass.	McGillicuddy	Smith, Tex.
Bulkley	Greene, Vt.	McLaughlin	Stafford
Burgess	Gregg	MacDonald	Stedman
Burke, S. Dak.	Griffin	Madden	Steenerson
Burke, Wis.	Gudger	Maguire, Nebr.	Stephens, Cal.
Calder	Guernsey	Mahan	Stephens, Nebr.
Carter	Hamill	Mann	Stevens, Minn.
Cary	Hamilton, Mich.	Mapes	Stevens, N. H.
Church	Hamilton, N. Y.	Martin	Stone
Clark, Fla.	Hamlin	Metz	Stringer
Connolly, Iowa	Hardy	Miller	Sumners
Conry	Harris	Mitchell	Switzer
Cooper	Harrison	Mondell	Taggart
Copley	Hart	Montague	Talbot, Md.
Curry	Haugen	Moon	Talcott, N. Y.
Danforth	Hayden	Moore	Tavener
Decker	Hayes	Morgan, La.	Temple
Deitrick	Healin	Morgan, Okla.	Ten Eyck
Dent	Helgesen	Moss, Ind.	Thacher
Dies	Helm	Mulkey	Thompson, Ill.
Difenderfer	Helvering	Murdock	Towner
Dillon	Henry	Murray	Treadway
Donohoe	Hinds	Nelson	Tribble
Donovan	Holland	O'Hair	Tuttle
Doolittle	Howell	O'Shaunessy	Underhill
Doremus	Humphrey, Wash.	Padgett	Underwood
Driscoll	Humphreys, Miss.	Paige, Mass.	Vare
Drukker	Johnson, Utah	Palmer	Vinson
Dupré	Johnson, Wash.	Park	Vollmer
Eagan	Jones	Parker, N. J.	Walsh
Esch	Kelster	Parker, N. Y.	Watkins
Evans	Kelly, Pa.	Patton, Pa.	Whaley
Farr	Kennedy, Conn.	Phelan	White
Fergusson	Kent	Platt	Williams
Ferris	Kettner	Plumley	Young, N. Dak.
Fess	Key, Ohio	Porter	Young, Tex.
Fields	Kiess, Pa.	Post	
Finley	Kinkaid, Nebr.	Pou	

## NOT VOTING—131.

Alken	Dale	Kennedy, R. I.	Reilly, Conn.
Alney	Davenport	Kindel	Riordan
Allen	Davis	Kinkead, N. J.	Roberts, Nev.
Anderson	Dooling	Kreider	Rothermel
Austin	Dunn	Langley	Sabath
Avis	Eagle	Lee, Pa.	Saunders
Barchfeld	Edmonds	L'Engle	Scott
Barkley	Edwards	Lewis, Md.	Scully
Bartholdt	Elder	Lewis, Pa.	Seldomridge
Barton	Estopinal	Lindquist	Sells
Beall, Tex.	Fairchild	Linthicum	Sherwood
Bell, Ga.	Faison	Lott	Shreve
Booher	Falconer	Logue	Sinnott
Bowdle	Francis	McClellan	Smith, Md.
Brodbeck	George	McGuire, Okla.	Sparkman
Broussard	Gerry	McKenzie	Stanley
Brown, W. Va.	Goeke	Maher	Stout
Bruckner	Goldfogle	Manahan	Sutherland
Brumbaugh	Gorman	Morin	Taylor, Ala.
Bryan	Graham, Pa.	Moss, W. Va.	Taylor, N. Y.
Burnett	Green, Iowa	Mott	Townsend
Butler	Griest	Neeley, Kans.	Walker
Campbell	Hawley	Neely, W. Va.	Wallin
Candler, Miss.	Hinebaugh	Nolan, J. I.	Walters
Cantor	Hobson	Norton	Webb
Cantrill	Hoxworth	O'Brien	Whitacre
Carew	Hughes, W. Va.	Oglesby	Wilson, Fla.
Carr	Hulings	Patten, N. Y.	Wilson, N. Y.
Casey	Igoe	Peters	Winslow
Chandler, N. Y.	Kahn	Powers	Witherspoon
Clancy	Keating	Price	Woodruff
Claypool	Kelley, Mich.	Prouty	Woods
Coady	Kennedy, Iowa	Reed	

So the amendment was rejected.

The Clerk announced the following additional pairs:  
Until further notice:

Mr. BARKLEY with Mr. MCKENZIE.  
Mr. BURNETT with Mr. WALLIN.  
Mr. SPARKMAN with Mr. BUTLER.  
Mr. CANTRILL with Mr. KELLEY of Michigan.  
Mr. EDWARDS with Mr. NORTON.  
Mr. LINTHICUM with Mr. SUTHERLAND.  
Mr. SHERWOOD with Mr. WOODS.  
Mr. TAYLOR of Arkansas with Mr. HAWLEY.

Mr. WEBB with Mr. KAHN.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present, and the Doorkeeper will open the doors. The Clerk will read the next amendment.

The Clerk read as follows:

Amendment offered by Mr. RUSSELL: Page 2, line 19, after the letter "a" and before the word "violation" insert the word "willful."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. RUSSELL. Mr. Speaker, I ask for a division.

The SPEAKER. A division is demanded. Those in favor of the amendment will rise and stand until they are counted.

Mr. MANN. Mr. Speaker, I ask that the amendment be again reported.

The SPEAKER. Without objection, the amendment will again be reported.

The amendment was again read.

The SPEAKER. Those in favor of the amendment will rise and stand until they are counted. [After counting.] Fifty-seven gentlemen have risen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] Forty-six gentlemen have risen in the negative. On this vote the ayes are 57 and the noes are 46, and the amendment is agreed to. The Clerk will report the next one.

The Clerk read as follows:

Amendment by Mr. STAFFORD: Page 2, in line 1, after the word "of," where it first occurs in the line, strike out the "a," and in the same line strike out "form" and insert "measurements."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Amendment by Mr. STAFFORD: Page 3, line 18, after the word "commodities," insert the word "when." And, in the same line, after the word "sold," strike out the word "exclusively."

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment by Mr. TOWNER—

Mr. TOWNER. Mr. Speaker, I withdraw that amendment.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken; and on a division (demanded by Mr. ASHBROOK) there were 112 ayes and 38 noes.

So the bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. HOWARD called for a division.

Mr. CRAMTON. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The Chair will count.

Mr. CRAMTON. Mr. Speaker, I withdraw the point for the present.

The question on the passage of the bill was taken; and on a division (demanded by Mr. HOWARD) there were 122 ayes and 61 noes.

Mr. CRAMTON. Mr. Speaker, I make the point of order that no quorum is present.

Mr. LEE of Georgia. I call for the yeas and nays.

The SPEAKER (after counting). Two hundred and ten Members, or 211 with the Speaker, are present—not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of passing the bill will answer "aye" and those opposed will answer "no."

The question was taken; and there were—yeas 201, nays 104, answered "present" 2, not voting 117, as follows:

## YEAS—201.

Abercrombie	Browning	Copley	Dupré
Alexander	Buchanan, Ill.	Crosser	Eagan
Ashbrook	Bulkley	Curry	Esch
Baker	Burke, Pa.	Danforth	Evans
Baltz	Burke, S. Dak.	Davenport	Farr
Barnhart	Burke, Wis.	Decker	Fergusson
Bathrick	Butler	Deitrick	Ferris
Beakes	Calder	Difenderfer	Fess
Beall, Tex.	Cantrill	Dillon	Fields
Bell, Cal.	Cary	Donohoe	Fitzgerald
Borland	Church	Donovan	Fordney
Britten	Clancy	Doolittle	Francis
Brown, N. Y.	Connolly, Iowa	Doremus	Frear
Brown, W. Va.	Conry	Driscoll	French
Browne, Wis.	Cooper	Drukker	Gallagher



Gallivan	Johnson, Utah	Martin	Slemp
Gard	Johnson, Wash.	Metz	Sloan
Garner	Jones	Mitchell	Small
Gerry	Keating	Mondell	Smith, Idaho
Gill	Keister	Montague	Smith, J. M. C.
Gillett	Kelly, Pa.	Moore	Smith, Minn.
Gilmore	Kennedy, Conn.	Morgan, Okla.	Smith, N. Y.
Gittins	Kent	Moss, Ind.	Smith, Tex.
Glass	Kettner	Mott	Stafford
Goeke	Key, Ohio	Murdock	Stedman
Good	Kiess, Pa.	Murray	Steenerson
Gordon	Kinkaid, Nebr.	Nelson	Stephens, Cal.
Goulden	Knowland, J. R.	Norton	Stephens, Nebr.
Graham, Ill.	Konop	O'Shaunessy	Stevens, Minn.
Greene, Mass.	Korbly	Padgett	Stevens, N. H.
Greene, Vt.	Lafferty	Palmer	Summers
Gregg	La Follette	Parker, N. J.	Sutherland
Griest	Langley	Parker, N. Y.	Talcott, N. Y.
Griffin	Lazaro	Patton, Pa.	Taylor, Colo.
Hamill	Lenroot	Peterson	Temple
Hamilton, N. Y.	Lever	Phelan	Ten Eyck
Hamlin	Lindbergh	Platt	Thacher
Hardy	Linthicum	Plumley	Thompson, Ill.
Hart	Lloyd	Porter	Towner
Haugen	Lobeck	Prouty	Treadway
Hawley	Loneragan	Raker	Tuttle
Hayden	McAndrews	Reed	Underhill
Hayes	McGillicuddy	Reilly, Wis.	Underwood
Helgesen	McKenzie	Roberts, Mass.	Vare
Helvering	McLaughlin	Rogers	Vollmer
Holland	MacDonald	Russell	Walsh
Howell	Madden	Saunders	White
Hughes, W. Va.	Maguire, Nebr.	Shirley	Woods
Humphrey, Wash.	Mahan	Sims	
Humphreys, Miss.	Mann	Sinnott	
Johnson, Ky.	Mapes	Slayden	

## NAYS—104.

Adamson	Dent	Hughes, Ga.	Smith, Saml. W.
Aiken	Dershem	Hull	Sparkman
Aswell	Dickinson	Jacoway	Stephens, Miss.
Bailey	Dixon	Johnson, S. C.	Stephens, Tex.
Barkley	Doughton	Kirkpatrick	Stone
Bartlett	Edwards	Kitchin	Stringer
Blackmon	Finley	Lee, Pa.	Switzer
Borchers	FitzHenry	Leshner	Talbot, Md.
Brockson	Flood, Va.	Lieb	Tavener
Broussard	Floyd, Ark.	Moon	Taylor, Ark.
Buchanan, Tex.	Foster	Morgan, La.	Thomas
Burgess	Fowler	Morrison	Thompson, Okla.
Byrnes, S. C.	Garrett, Tenn.	O'Hair	Tribble
Byrns, Tenn.	Garrett, Tex.	Oldfield	Vaughan
Callaway	Godwin, N. C.	Page, N. C.	Vinson
Candler, Miss.	Goodwin, Ark.	Park	Volstead
Caraway	Gray	Pou	Walker
Carlin	Hamilton, Mich.	Quin	Watkins
Carter	Harris	Ragsdale	Watson
Cline	Hay	Rainey	Weaver
Collier	Heflin	Rayburn	Webb
Connelly, Kans.	Helm	Rouse	Whaley
Cox	Henry	Rubey	Williams
Cramton	Hensley	Rupley	Wingo
Crisp	Hill	Shackleford	Young, N. Dak.
Cullop	Howard	Sisson	Young, Tex.

## ANSWERED "PRESENT"—2.

Adair	McKellar
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## NOT VOTING—117.

Ainey	Dunn	Kreider	Reilly, Conn.
Allen	Eagle	Langham	Riordan
Anderson	Edmonds	Lee, Ga.	Roberts, Nev.
Anthony	Elder	L'Engle	Rothermel
Austin	Estopinal	Levy	Rucker
Avis	Fairchild	Lewis, Md.	Sabath
Barchfeld	Faison	Lewis, Pa.	Scott
Bartholdt	Falconer	Lindquist	Scully
Barton	Gardner	Loft	Seldomridge
Bell, Ga.	George	Logue	Sells
Booher	Goldfogle	McClellan	Sherwood
Bowdle	Gorman	McGuire, Okla.	Shreve
Brodbeck	Maher	Smith, Md.	Stanley
Bruckner	Green, Iowa	Manahan	Stout
Brumbaugh	Gudger	Miller	Taggart
Bryan	Guernsey	Morin	Taylor, Ala.
Burnett	Harrison	Moss, W. Va.	Taylor, N. Y.
Campbell	Hinds	Mulkey	Townsend
Cantor	Hinebaugh	Neeley, Kans.	Wallin
Carew	Hobson	Neely, W. Va.	Walters
Carr	Houston	Nolan, J. I.	Whitacre
Casey	Hoxworth	O'Brien	Wilson, Fla.
Chandler, N. Y.	Hulings	Oglesby	Wilson, N. Y.
Clark, Fla.	Igoe	Paige, Mass.	Winslow
Claypool	Kahn	Patten, N. Y.	Witherspoon
Coady	Kelley, Mich.	Peters	Woodruff
Dale	Kennedy, Iowa	Post	
Davis	Kennedy, R. I.	Powers	
Dies	Kindel	Price	
Doelling	Kinkead, N. J.	Rauch	

So the bill was passed.

The Clerk announced the following additional pair:

On this vote:

Mr. ADAIR with Mr. MOSS of West Virginia.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors.

On motion of Mr. ASHBROOK, a motion to reconsider the last vote was laid on the table.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DAVIS, for an indefinite time, on account of illness.

To Mr. BOOHER, for two days, on account of sickness in his family.

To Mr. GORDON, for three days, on account of public business.

## ADJOURNMENT.

Mr. ASHBROOK. Mr. Speaker, I move that the House do now adjourn.

Mr. MANN. Oh, no; let us stay here a while longer.

The SPEAKER. The gentleman from Ohio moves that the House do now adjourn.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. MANN. I ask for the yeas and nays. There are many appropriation bills yet undisposed of. It is not 5 o'clock yet.

The SPEAKER. The gentleman from Illinois demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until they are counted. [After counting.]

Thirty-seven Members, not a sufficient number.

Mr. MANN. The other side, Mr. Speaker.

The SPEAKER. The gentleman from Illinois demands the other side. Those opposed to ordering the yeas and nays will rise and stand until they are counted. [After counting.] One hundred and seven opposed to the yeas and nays. More than one-fifth of the Members present having seconded the demand, the yeas and nays are ordered.

The question was taken; and there were—yeas 156, nays 74, not voting 194, as follows:

## YEAS—156.

Abercrombie	Difenderfer	Hull	Phelan
Adair	Dixon	Humphreys, Miss.	Quin
Adamson	Donohoe	Jacoway	Ragsdale
Aiken	Doremus	Johnson, Ky.	Rainey
Alexander	Doughton	Johnson, S. C.	Raker
Ashbrook	Driscoll	Keating	Rauch
Aswell	Eagan	Kennedy, Conn.	Rayburn
Bailey	Engle	Kettner	Reilly, Wis.
Baker	Edwards	Kindel	Rubey
Barkley	Esch	Kirkpatrick	Russell
Barnhart	Fergusson	Kitchin	Saunders
Bartlett	Fields	Knowland, J. R.	Shackleford
Beakes	Finley	Konop	Sims
Blackmon	FitzHenry	Korbly	Sisson
Borchers	Floyd, Ark.	Lazaro	Slayden
Borland	Fowler	Lee, Pa.	Small
Brockson	Francis	Leshner	Smith, N. Y.
Brodbeck	Gallagher	Lieb	Smith, Tex.
Brown, N. Y.	Garner	Lloyd	Stedman
Brumbaugh	Garrett, Tex.	Loneragan	Stephens, Nebr.
Buchanan, Ill.	Gill	McAndrews	Stephens, Tex.
Buchanan, Tex.	Gittins	McKellar	Stone
Bulkley	Godwin, N. C.	Madden	Stringer
Burgess	Goeke	Maguire, Nebr.	Taggart
Burke, S. Dak.	Goodwin, Ark.	Mahan	Talcott, N. Y.
Burke, Wis.	Gordon	Metz	Taylor, Ark.
Byrnes, S. C.	Gray	Mitchell	Taylor, Colo.
Byrns, Tenn.	Griffin	Montague	Ten Eyck
Candler, Miss.	Gudger	Morgan, Okla.	Tribble
Caraway	Hamlin	Moss, Ind.	Underhill
Cline	Hamilton, Mich.	Murray	Underwood
Collier	Hardy	Neely, W. Va.	Vaughan
Conry	Harrison	Oldfield	Vollmer
Crisp	Hayden	Padgett	Walker
Davenport	Helm	Page, N. C.	Watkins
Decker	Helvering	Park	Watson
Dent	Henry	Parker, N. J.	Weaver
Dershem	Hensley	Peterson	Williams
Dickinson	Hughes, Ga.		Young, Tex.

## NAYS—74.

Garrett, Tenn.	Lenroot	Smith, Minn.
Good	Lobeck	Smith, Saml. W.
Goulden	McGillicuddy	Stafford
Graham, Ill.	McLaughlin	Steenerson
Greene, Mass.	Mann	Stephens, Cal.
Greene, Vt.	Mapes	Stephens, Miss.
Griest	Martin	Stevens, Minn.
Haugen	Mondell	Summers
Hawley	Moore	Switzer
Hayes	Murdock	Tavener
Helgesen	Nelson	Temple
Howell	Platt	Thacher
Johnson, Utah	Porter	Thompson, Okla.
Johnson, Wash.	Rogers	Thomson, Ill.
Kelly, Pa.	Rupley	Treadway
Kent	Sinnott	Wingo
Kiess, Pa.	Sloan	Young, N. Dak.
La Follette	Smith, Idaho	
Langley	Smith, J. M. C.	

## NOT VOTING—194.

Ainey	Barton	Brown, W. Va.	Cantor
Allen	Bathrick	Bruckner	Cantrill
Anderson	Beall, Tex.	Bryan	Carew
Anthony	Bell, Cal.	Burke, Pa.	Carlin
Austin	Bell, Ga.	Burnett	Carr
Avis	Booher	Calder	Carter
Barchfeld	Bowdle	Callaway	Casey
Bartholdt	Broussard	Campbell	Chandler, N. Y.



Church	Gregg	Loft	Rucker
Clancy	Guernsey	Logue	Sabath
Clark, Fla.	Hamill	McClellan	Scott
Claypool	Hamilton, N. Y.	McGuire, Okla.	Scully
Coady	Harris	McKenzie	Seldomridge
Connelly, Kans.	Hart	MacDonald	Sells
Connolly, Iowa	Hay	Maher	Sherley
Copley	Hedlin	Manahan	Sherwood
Dale	Hill	Miller	Shreve
Davis	Hinds	Morgan, La.	Slemp
Deltrick	Hinebaugh	Morin	Smith, Md.
Dooling	Hobson	Morrison	Sparkman
Doolittle	Holland	Moss, W. Va.	Stanley
Drukker	Houston	Mott	Stevens, N. H.
Dunn	Howard	Mulkey	Stout
Dupré	Hoxworth	Neeley, Kans.	Sutherland
Edmonds	Hughes, W. Va.	Nolan, J. I.	Talbott, Md.
Elder	Hulings	Norton	Taylor, Ala.
Estopinal	Humphrey, Wash.	O'Brien	Taylor, N. Y.
Evans	Igoe	Oglesby	Thomas
Fairchild	Jones	O'Hair	Towner
Falson	Kahn	O'Shaunessy	Townsend
Falconer	Keister	Paige, Mass.	Tuttle
Ferris	Kelley, Mich.	Palmer	Vare
Fess	Kennedy, Iowa	Parker, N. Y.	Vinson
Fitzgerald	Kennedy, R. I.	Patten, N. Y.	Volstead
Flood, Va.	Key, Ohio	Patton, Pa.	Wallin
Fordney	Kinkaid, Nebr.	Peters	Walsh
Frear	Kinkead, N. J.	Plumley	Walters
Gallivan	Kreider	Post	Webb
Gard	Lafferty	Pou	Whaley
Gardner	Langham	Powers	Whitacre
George	Lee, Ga.	Price	White
Gerry	L'Engle	Prouty	Wilson, Fla.
Gillett	Lever	Reed	Wilson, N. Y.
Gilmore	Levy	Relly, Conn.	Winslow
Glass	Lewis, Md.	Riordan	Witherspoon
Goldfogle	Lewis, Pa.	Roberts, Mass.	Woodruff
Gorman	Lindbergh	Roberts, Nev.	Woods
Graham, Pa.	Lindquist	Rothermel	
Green, Iowa	Linthicum	Rouse	

So the motion was agreed to.

The Clerk announced the following additional pair:

Until further notice:

Mr. ADAIR with Mr. Moss of West Virginia.

Mr. BELL of California. Mr. Speaker, I desire to be recorded.

The SPEAKER. Was the gentleman in the Hall listening when his name was called?

Mr. BELL of California. I was not.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

Accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Thursday, January 14, 1915, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. Letter from the Secretary of the Treasury, transmitting a draft of a bill for the relief of the Commissioner of Internal Revenue, in the amount of \$2,980, to cover the value of pipeline beer stamps returned by the collector's office, first district of New York, and lost or irregularly destroyed after they had been received in the Internal Revenue Bureau (H. Doc. No. 1485); to the Committee on Claims and ordered to be printed.

2. Letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, submitting data for the new addition of "preliminary examinations, surveys, projects, and appropriations"; to the Committee on Rivers and Harbors.

3. Letter from the Secretary of the Navy, transmitting statement showing in detail what officers or employees of the Navy Department, who were paid out of appropriations contained in the legislative, executive, and judicial appropriation act, performed travel on official business from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1914 (H. Doc. No. 1486); to the Committee on Expenditures in the Navy Department and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FLOYD of Arkansas, from the Committee on the Judiciary, to which was referred the bill (H. R. 20688) to place Bartow County, Ga., in the eastern division of the northern district of Georgia, reported the same without amendment, accompanied by a report (No. 1278), which said bill and report were referred to the House Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11994) granting an increase of pension to C. W. Kerlee; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19694) granting a pension to Maggie Hall; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19916) granting a pension to Jennie Armstrong; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19793) granting an increase of pension to George H. Hendrickson; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 19792) granting an increase of pension to Cornelia A. Shemo; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 17261) granting an increase of pension to W. F. Patten; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20466) granting a pension to Harry N. Gates; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MAPES: A bill (H. R. 20847) providing for appeals in bankruptcy matters and repealing sections 24 and 25 of "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898; to the Committee on the Judiciary.

By Mr. WHITACRE: A bill (H. R. 20848) to amend an act entitled "An act to create a Federal trade commission, to define its powers and duties, and for other purposes," approved September 26, 1914; to the Committee on Ways and Means.

By Mr. GRIFFIN: A bill (H. R. 20849) authorizing a preliminary examination and survey of Sea Gate, Coney Island, N. Y., Ambrose Channel, and connecting waters to Gravesend Bay; to the Committee on Rivers and Harbors.

By Mr. AUSTIN: A bill (H. R. 20850) to amend the act approved June 27, 1890, so as to include certain widows and orphans of soldiers who served 90 days or more in the United States Army; to the Committee on Invalid Pensions.

By Mr. WICKERSHAM: A bill (H. R. 20851) to reserve lands to the Territory of Alaska for educational uses, and for other purposes; to the Committee on the Public Lands.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 20852) granting a pension to Katharine H. Califf; to the Committee on Invalid Pensions.

By Mr. AVIS: A bill (H. R. 20853) granting a pension to Ed Thomas; to the Committee on Pensions.

By Mr. BARKLEY: A bill (H. R. 20854) granting an increase of pension to George Senters; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 20855) granting a pension to George C. Howland; to the Committee on Invalid Pensions.

By Mr. EAGAN: A bill (H. R. 20856) granting an increase of pension to Anna Warner; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 20857) granting an increase of pension to William M. Hanks; to the Committee on Pensions.

By Mr. GARRETT of Tennessee: A bill (H. R. 20858) granting an increase of pension to Daniel H. Rankin; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 20859) granting an increase of pension to Thomas H. Wriston; to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 20860) for the relief of Lida Jones and others; to the Committee on War Claims.

Also, a bill (H. R. 20861) for the relief of James M. Clouston, surviving partner of the firms of J. M. Clouston & Co. and A. C. Marling & Co.; to the Committee on War Claims.

Also, a bill (H. R. 20862) for the relief of the estate of Philip Null, deceased; to the Committee on War Claims.



Also, a bill (H. R. 20863) for the relief of heirs of William Douthit or their duly authorized representative; to the Committee on War Claims.

By Mr. KENNEDY of Connecticut: A bill (H. R. 20864) to remove the charge of desertion from the military record of Wales Porter; to the Committee on Military Affairs.

By Mr. KEY of Ohio: A bill (H. R. 20865) granting an increase of pension to Charles Coppler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20866) granting an increase of pensions to William Bain; to the Committee on Invalid Pensions.

By Mr. KIRKPATRICK: A bill (H. R. 20867) granting a pension to Lucretia M. Postlewaite; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 20868) granting an increase of pension to Realie Damron; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20869) granting an increase of pension to Benjamin H. Kimbler; to the Committee on Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 20870) granting a pension to Mary L. Walker; to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 20871) granting a pension to Perley H. Elwell; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 20872) granting an increase of pension to Mary S. Grimwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20873) granting an increase of pension to Sophie M. Kinnicutt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20874) granting an increase of pension to Matilda A. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20875) granting an increase of pension to William Willis; to the Committee on Invalid Pensions.

By Mr. PARK: A bill (H. R. 20876) for the relief of the estate of E. H. Killam, sr., deceased; to the Committee on War Claims.

By Mr. PARKER of New York: A bill (H. R. 20877) granting a pension to Catherine A. Bailey; to the Committee on Invalid Pensions.

By Mr. ROBERTS of Nevada: A bill (H. R. 20878) granting a pension to Pierce B. Boyer; to the Committee on Pensions.

Also, a bill (H. R. 20879) granting a pension to Charles R. Hodges; to the Committee on Pensions.

By Mr. ROUSE: A bill (H. R. 20880) granting an increase of pension to Louisa Patrick; to the Committee on Invalid Pensions.

By Mr. RUPLEY: A bill (H. R. 20881) granting an increase of pension to Mary A. McElwee; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 20882) granting an increase of pension to John C. Reece; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 20883) for the relief of the legal representatives of J. C. Peebles, deceased; to the Committee on War Claims.

By Mr. STONE: A bill (H. R. 20884) for the relief of Charles A. Cutler; to the Committee on Claims.

By Mr. TAYLOR of New York: A bill (H. R. 20885) for the relief of the heir or heirs of John Howard Payne, deceased, late United States consul at Tunis; to the Committee on Claims.

By Mr. TUTTLE: A bill (H. R. 20886) granting a pension to Eleanor Tanner; to the Committee on Pensions.

By Mr. WALKER: A bill (H. R. 20887) for the relief of the heirs at law of S. S. Barnard; to the Committee on War Claims.

By Mr. POWERS: A bill (H. R. 20888) granting an increase of pension to Jacob G. Robinson; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 20889) granting an increase of pension to Riley Howard; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Petitions of Albert P. Whyland, C. R. Jones, and Joseph Lehmeier, of Spangler, Pa., and M. K. Piper, of Lilly, Pa., for the passage of House bill 5308, a bill providing for the taxation of mail-order houses for local purposes; to the Committee on Ways and Means.

By Mr. DALE: Petition of citizens of Maryland, against export of arms; to the Committee on Foreign Affairs.

By Mr. DILLON: Petition of citizens of Ramona, S. Dak., relative to embargo on arms and contrabands of war; to the Committee on Foreign Affairs.

By Mr. DONOVAN: Petition of citizens of Danbury, Conn., favoring House joint resolution 377, to forbid export of arms; to the Committee on Foreign Affairs.

By Mr. DRUKKER: Petition of citizens of New Jersey, protesting against shipment of war material by the United States; to the Committee on Foreign Affairs.

By Mr. EAGAN: Petition of Lord's Day Alliance, relative to Sunday work in post offices; to the Committee on the Post Office and Post Roads.

Also, memorial of Board of Mutual Conference of the German-American League and the Celtic Union, relative to enforcing neutrality of the United States; to the Committee on Foreign Affairs.

Also, petition of National Liberal Immigration League, relative to suspending collection of a head tax from war refugees; to the Committee on Immigration and Naturalization.

Also, petition of J. R. Lawson, of Denver, Colo., relative to strike situation in Colorado; to the Committee on Mines and Mining.

By Mr. GRAHAM of Pennsylvania: Petitions of Lutheran laymen of Pennsylvania and Maryland citizens committee for the furtherance of American neutrality, relative to placing embargo on shipment of munitions of war by United States; to the Committee on Foreign Affairs.

By Mr. HART: Petition of members of the relief committee, Englewood, N. J., and vicinity, for war sufferers, protesting against export of supplies from the United States; to the Committee on Foreign Affairs.

By Mr. KENNEDY of Rhode Island: Petition of Helen Hunt Elliot, of Providence, and Ellen C. Stewart and Josephine R. Balch, of Newport, R. I., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. KONOP: Petitions of citizens of the ninth congressional district of Wisconsin, favoring passage of House joint resolution 377, relative to shipment of war material by the United States; to the Committee on Foreign Affairs.

By Mr. LONERGAN: Letters of Fred Berg, jr., Michael Richter, John Richter, Fred Berg, and Ernest Richter, all of New Britain, Conn., and K. Ullrich, of Hartford, Conn., in re House joint resolution 377 to forbid export of arms; to the Committee on Foreign Affairs.

By Mr. MAHAN: Petitions of sundry citizens of Morris Conn., and vicinity, favoring the passage of House joint resolution 377; to the Committee on Foreign Affairs.

By Mr. MOORE: Memorial of board of directors of the Union League of Italian-Americans of the United States, protesting against the Burnett-Dillingham Immigration bill (H. R. 6060); to the Committee on Immigration and Naturalization.

By Mr. PLATT: Papers to accompany bill for increase in pension of Oliver P. Gillson; to the Committee on Invalid Pensions.

By Mr. SHERLEY: Petition of sundry citizens of Louisville, Ky., protesting against exportation of war material by the United States; to the Committee on Foreign Affairs.

By Mr. SPARKMAN: Petition of citizens of the State of Florida, favoring woman suffrage; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Memorial of citizens of the State of California, favoring the passage of the Hamill bill, H. R. 5139; to the Committee on Reform in the Civil Service.

By Mr. STEVENS of Minnesota: Memorial of Clan Campbell 113, Order of Scottish Clans, St. Paul, Minn., protesting against passage of legislation prohibiting the exportation of munitions of war; to the Committee on Foreign Affairs.

Also, memorial of citizens of St. Paul, Minn., favoring passage of resolution prohibiting exportation of munitions of war; to the Committee on Foreign Affairs.

By Mr. TEMPLE: Papers to accompany bill granting pension to Phila. L. McIlvain; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 20640, granting a pension to Nathaniel Amon; to the Committee on Pensions.

By Mr. TUTTLE: Petitions of First Austria Sick Benefit Association and Pride Lodge 27, of Elizabeth, N. J., protesting against literacy test in the immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of members of the relief committee, Englewood, N. J., and vicinity, relative to upholding spirit of neutrality of United States; to the Committee on Foreign Affairs.

By Mr. VOLLMER: Petition of 1,079 citizens of Chicago, Ill., and 33 citizens of the State of Iowa, favoring passage of House



joint resolution 377, relative to shipment of munitions of war; to the Committee on Foreign Affairs.

By Mr. WALLIN: Petition of sundry citizens of the thirtieth congressional district of New York, favoring embargo on shipment of arms from the United States to warring nations; to the Committee on Foreign Affairs.

Also, petition of sundry citizens of Amsterdam, N. Y., favoring passage of Senate bill 3672, for the improvement of the Harlem River; to the Committee on Rivers and Harbors.

## SENATE.

THURSDAY, January 14, 1915.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we desire to begin the work of this new legislative day with the thought of God in our hearts and minds, remembering as we face the issues of life that at last we face Thy law, Thy purpose, and Thy rule. Thou art the judge of all men. To Thee alone can we look for the permanency of our institutions and for the continuance of our freedom. All the blessings and all the prosperity of our national life have come from the bounty of Thy care and Thy love. Thou hast not dealt with us after our sins. Thou hast not rewarded us according to our transgressions. The measure of Thy gift has been Thine own grace. We pray that Thy grace may still be extended to us and Thy guidance, that we may be blessed as a Nation and fulfill the divine purpose in us as a people. For Christ's sake. Amen.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Goff	O'Gorman	Smith, Md.
Brady	Gronna	Oliver	Smoot
Brandeggee	Hardwick	Overman	Stephenson
Bryan	Hitchcock	Page	Sterling
Burleigh	Hollis	Perkins	Sutherland
Burton	James	Pittman	Swanson
Camden	Johnson	Randsell	Thomas
Chamberlain	Jones	Reed	Thompson
Chilton	Kenyon	Robinson	Thornton
Clapp	Kern	Root	Townsend
Clark, Wyo.	La Follette	Shafroth	Vardaman
Crawford	Lane	Sheppard	Walsh
Culberson	Lea, Tenn.	Sherman	White
Cummins	Lee, Md.	Shields	Williams
Dillingham	Martine, N. J.	Shively	Works
Fletcher	Nelson	Simmons	
Gallinger	Norris	Smith, Ga.	

Mr. CLARK of Wyoming. I desire to announce the unavoidable absence of my colleague [Mr. WARREN]. I will allow this announcement to stand for the day.

Mr. CHILTON. I wish to announce the absence of the Senator from New Mexico [Mr. FALL] on account of serious illness in his family. I will let this announcement stand for the day.

The VICE PRESIDENT. Sixty-six Senators have answered to the roll call. There is a quorum present. The Secretary will read the Journal of the proceedings of the preceding session.

The Journal of yesterday's proceedings was read and approved.

### SECRETARY M'ADOO'S SPEECH AT CHICAGO.

Mr. JAMES. I ask unanimous consent to have printed in the RECORD the speech delivered by Secretary McAdoo before the commercial club at Chicago, January 9, 1915, on the shipping bill as a means for the creation of an American merchant marine.

The VICE PRESIDENT. The Chair will state for the information of the Senator from Kentucky that he is informed that that speech has already been printed.

Mr. JAMES. I think it was made a public document, but it has not been printed in the RECORD.

Mr. FLETCHER. I think it was made a public document.

Mr. SMOOT. If it has been printed as a public document, then I object to having it printed in the RECORD.

Mr. JAMES. I hope the Senator from Utah will not enter an objection to its being printed in the RECORD. In that way it would be read by many people who will not have an opportunity to secure the public document.

Mr. SMOOT. I have no objection at all, nor did I have any objection to printing it in the RECORD in the first place or printing it as a public document, but I do have an objection to printing it both in the RECORD and as a public document, because that has not been the policy in the past.

Mr. JAMES. That is a very unusual objection.

Mr. SMOOT. Not at all. It is a usual objection.

Mr. JAMES. I do not see what objection the Senator from Utah could have to a speech delivered by the Secretary of the Treasury upon such an important subject being published in the CONGRESSIONAL RECORD.

Mr. SMOOT. I have no objection to having it published in the CONGRESSIONAL RECORD.

Mr. JAMES. Then let the Senator withdraw his objection. I thought the Senator objected.

Mr. SMOOT. But I do have an objection to having it printed in the RECORD and also as a public document.

Mr. JAMES. I did not ask to have it printed as a public document. I do think it should be printed in the CONGRESSIONAL RECORD.

Mr. SMOOT. It does not make any difference whether the Senator asked for it or not, it has been printed as a document.

Mr. JAMES. The Senator knows, of course, that it will be seen by vastly more people if printed in the RECORD than if published as a document and put in the document room.

Mr. SMOOT. I doubt if anybody is interested in having this speech printed in the RECORD. If printed as a document it can be circulated throughout the country. I have always found in the past the best way to get any speech before the people is to have it printed as a public document.

Mr. JAMES. I have heretofore given my consent to the publication of all sorts of speeches in the CONGRESSIONAL RECORD. The other day the Senator from Massachusetts [Mr. LODGE] asked for the publication in the CONGRESSIONAL RECORD of an article written by ex-President Roosevelt, and no objection was interposed. But if the rule that is to be adopted in the Senate is that when the Secretary of the Treasury, one of the highest Cabinet officers, has delivered an address on an important subject, it is to be denied to the people of the United States the opportunity to read it in the RECORD, then, of course, I shall exercise the right I have to object to printing in the RECORD speeches delivered by members of the party of the gentlemen upon the other side.

Mr. SMOOT. I wish to say that if the Senator from Massachusetts had asked that the article referred to be printed as a public document and also in the RECORD, I would have objected at that time. I recognize, of course, that this speech can be read into the RECORD and I would have no objection to that course being taken, but I want to say to the Senator from Kentucky that I am not objecting because he has requested it. This objection has been made hundreds of times upon the floor of the Senate, and it has been the rule not only of the Senate but of the House that any speech or any publication if printed as a public document is not to be printed in the RECORD, and if printed in the RECORD it is not to be printed as a public document; and that is a good rule.

Mr. JAMES. Is that the rule the Senator has applied all along to the utterances of Cabinet officers?

Mr. SMOOT. I think so, Mr. President.

Mr. JAMES. I think the Senator is mistaken. I think we have not only printed as a public document but published in the RECORD many speeches delivered by distinguished Republicans. Of course if the Senator wants to take the position that he is going to object to this particular speech because it was delivered by the Secretary of the Treasury upon this particular subject, he can do so.

Mr. SMOOT. I resent the insinuation of the Senator that I am objecting to this speech going into the RECORD because it was delivered by the Secretary of the Treasury or because it was an address on a particular subject. That is the farthest thing from my mind. I will appeal to all Senators here on the floor if I have not objected to hundreds of such requests. I think it is perfectly proper to make the objection.

Mr. CHILTON. I wish to say that the Senator from Utah has usually objected, but he has sometimes withdrawn his objection. At this session I recall that he made the same objection to the printing of the speech of the President of the United States. I do not know why he did it, but he withdrew that objection, and it was printed in the RECORD and also printed as a public document.

Mr. SMOOT. If it is to be the policy of the Senate—

Mr. SHAFROTH. I should like to call the attention of the Senator from Utah to the fact that the Senator from Kentucky has a perfect right to read the speech into the RECORD.

Mr. SMOOT. I have already stated that.

Mr. JAMES. I understand that, of course, the Senator wants me to take up the time of the Senate. I am perfectly aware of the purpose of the Senator along that line. It does not have to be diagrammed to me.